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STRENGTHENING THE RULE OF LAW: ROLE OF THE FINANCE COMMISSION

www.dakshindia.org



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About DAKSH: DAKSH is a Bengaluru-based civil society organisation working on judicial reforms and access to justice. We are focused on solving the problem of pendency of cases in the Indian legal system. We approach the problem from the perspectives of data, efficiency, process, technology and administration.

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EXECUTIVE SUMMARY

The judiciary in India is the backbone of the country's democratic structure, safeguarding constitutional principles and ensuring justice for all. However, a lack of holistic planning and ineffective budgetary practices have constrained its ability to meet the growing demands of justice delivery. This working paper, 'Strengthening the rule of law: Role of the Finance Commission,' presents findings from a granular study on gaps in judicial budgeting and resource allocation, identifies systemic inefficiencies, and proposes comprehensive reforms to strengthen the judiciary's functioning.

The judiciary's budget accounts for only 0.13% of India's GDP, significantly lower than the global median of 0.27%, according to the World Bank (2024). The judiciary is allotted less than 1% of state budgets. This underfunding is compounded by the ineffective utilisation of resources, with a significant percentage of allocated funds remaining unspent due to inadequate planning and administrative inefficiencies. Furthermore, interstate disparities in judicial funding create uneven access to justice, undermining the system's credibility.

The judiciary faces a massive backlog of over five crore cases, straining its capacity to deliver timely justice. The court faces several challenges, including outdated processes, archaic institutional structures and processes, insufficient courtrooms, judicial vacancies, outdated infrastructure, and insufficient technological integration. These issues are exacerbated by inadequate coordination between the judiciary and finance authorities, resulting in a mismatch between needs and budgetary allocations.

The political-economic analysis of the financing of the judiciary in India reveals several challenges. At present, most of the state government spending on the judiciary is for revenue/ operational expenditure purposes like the payment of salaries, expenses of the judicial academies, travel expenses, etc. A significant part of the capital expenditure, which is expected to bring in improved efficiency and productivity, is financed by the Union government and the Finance Commission.

The Union government has been introducing interventions in judicial processes mainly through infrastructural and technological upgrades through projects like e-Courts. The Finance Commission has been trying to allocate resources for the delivery of justice through infrastructural improvements like the addition of new Fast Track and Special Courts (FTSC). However, as various studies suggest (mentioned in later parts of the paper), interventions like the creation of new FTSCs have been insufficient in addressing the issue of increasing case backlogs in India. Also, the analysis of various state budgets suggests that the allocation of grants from previous Finance Commissions for FTSCs is mostly for operational and revenue expenditure purposes, and not for capital expenditure like the creation of new FTSCs.

The Union and state governments have established various tribunals to leverage domain experts as adjudicators, use flexible procedures, and alleviate the pressure on already over-burdened courts. Tribunals, especially at the Union government level, e.g. NCLT, NCLAT, TDSAT, ITAT, CESTAT, GSTAT, CGIT (see Annexure A), have the potential to improve the ease of doing business and investment lifecycle. However, their functioning has fallen short of expectations and suffers from the shortcomings that regular courts do. The Finance Commission could revitalise the tribunals by allocating funds for their transformation.

Ensuring widespread access to legislation is essential for upholding the rule of law and enabling informed citizen participation. In India, this requires consolidating primary and subordinate laws into a unified, digital repository that is comprehensive, updated, and reliable. Existing efforts, such as the India Code, have been inadequate, and this fact highlights the need for a well-structured digital platform that serves as a single source for law. This platform would enhance legal clarity and accessibility for citizens and businesses alike.

Previous reform efforts like the creation of new FTSCs or investment into technology by itself, have not helped in reducing the backlog of cases in India. Also, for the same period, the inequality in the delivery of justice between states has remained the same or has also worsened in some cases. States that have been lagging in allocating budgets for the judiciary continue to face challenges in improving their performance.

To address these issues, this working paper advocates for a series of structural reforms to enhance the efficiency and effectiveness of the law and justice system:

- Establishing Research Offices at the Supreme Court and High Court levels to monitor judicial performance and recommend systemic improvements.
- Creating a dedicated Secretariat for Judicial Appointments to streamline recruitment and resource planning.
- Implementing technological initiatives to modernise judicial processes, strengthen administrative functions of courts, and reduce pendency.
- Adopting needs-based budgeting practices to ensure equitable and adequate resource allocation.
- Conducting pilot projects to test and refine proposed reforms before scaling.
- National Mission to revitalise the Tribunals.
- Creation of a single source for laws.
- Revisiting court fees and imposition of costs regime.

The allocation of grants to the judiciary by the Union government (through Centrally Sponsored Schemes) and the Finance Commission (Sectoral Grants) have historically been unrestricted or unconditional devolution of funds. To improve accountability, we suggest that the budgetary allocation for the above recommendations be granted on a conditional basis.

The conditional grants can be effective only when the executive takes the initiative to collaborate with the judicial officers in creating a process for accountability in budgetary allocation to the judiciary. For the above recommendations, the executive can set up committees in partnership with the High Courts to supervise the implementation of the above recommendations for structural reforms. The committees could convene periodically to assess the progress and make tactical course corrections. These measures should be in addition to increasing the level of post facto scrutiny by the respective Comptroller and Auditor General's office on spending by the judiciary for their effectiveness.

When we look at the federal structure in Indian Polity, we identify the Finance Commission as a critical stakeholder in driving judicial reforms. By addressing vertical and horizontal disparities in judicial funding, it can ensure that resources are allocated based on performance metrics and regional requirements. The paper emphasises the need for direct engagement between the judiciary and the Finance Commission to facilitate evidence-based decision-making and efficient resource allocation.

A well-funded and efficiently managed judiciary is indispensable for upholding the rule of law and fostering economic and social development. The proposed reforms aim to create a resilient, responsive, and technologically advanced law and justice system capable of delivering timely and equitable justice. Urgent action by policymakers, in collaboration with judicial and financial authorities, is essential to realize these objectives and address long-standing inefficiencies in the system.

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Chapter 1

**JUDICIAL CHALLENGES AND BUDGETARY
CONSTRAINTS: EXAMINING INDIA'S JUDICIAL
SYSTEM**



1.1 Examining Major Challenges in the Indian Judiciary

1.1.1 Rise in Backlog of Pending Cases post COVID-19

According to the latest data from the National Judicial Data Grid (NJDG) website, 4.48 crore cases are pending in the subordinate courts, 60.35 lakh cases are pending in the high courts and 66,103 cases are pending in the Supreme Court, adding to 5.09 crores cases in total. The COVID-19 pandemic led to disruption in the operations of the courts which has resulted in the number of cases in the judiciary crossing the 5-crore figure mark.

1.1.2 Five States account for 57.51 percent of the pending cases

According to the NJDG, Uttar Pradesh (1.14 crore cases), Maharashtra (53.1 lakh cases), Bihar (35.97 lakh cases), West Bengal (32.2 lakh cases) and Karnataka (20.54 lakh cases) account for 57.51 percent of the pending cases.

1.1.3 Insufficient Number of Judicial Officers/Judges

The huge backlog of cases in the Indian judicial system points out the fact that there is an inadequacy of the legal apparatus for the delivery of justice. Large vacancies for the post of judge and a lack of court halls and court staff have always been major issues in the Indian judiciary. Increasing the number of judges, setting up more courts and simplification of procedures are often recommended as panacea. However, when it comes to the implementation part, the judiciary falters.

1.1.4 Vacancy in the Sanctioned posts of Judges/Judicial Officers

Despite repeated requests from the judiciary to the executive to expedite the appointment of judges, nearly 21.5 percent of the judges' posts lie vacant (See table 1). In the high court, it is higher at 32.58 percent and in the subordinate courts, it is 21.04 percent.

Table 1: Vacant Positions of Judges/Judicial Officers at Various Tiers (2024)

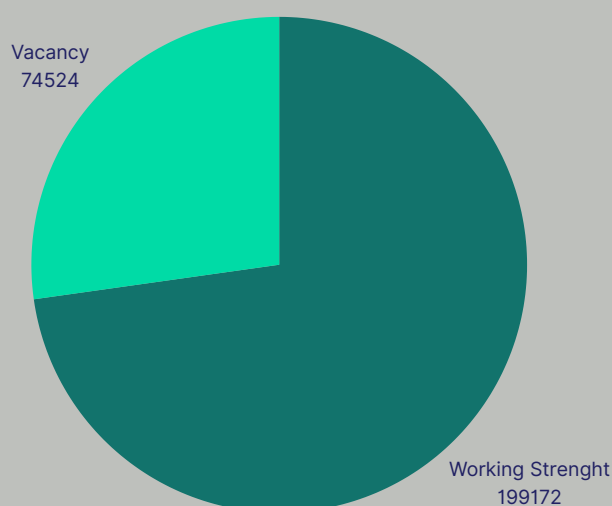
Courts	Sanctioned	In Position	Vacancy	Vacancy in %
Supreme Court	34	34	0	0
High Court	1,114	751	363	33
Subordinate Courts	25,348	20,014	5,334	21
Total	26,496	20,799	5,697	22

Source: Authors' calculation based on data from Lok Sabha Unstarred Question No. 1354 answered on 09.02.24; and Department of Justice (See annexure F for data sources)

1.1.5 Vacancy in the sanctioned posts of court staff

What most analyses of the judicial system often overlook is the vacancy in non-judicial staff in Indian courts. The non-judicial staff manages the day-to-day administration of the court, manages the movement of case files, and assists the advocates and the judges in conducting judicial processes and hearings. As against the total sanctioned strength of 2,73,696 staff employees and officials in subordinate courts, 1,99,172 (less than 75%) were filled in 2023 (Centre for Research and Planning 2023, 119). The shortfall in manpower is 74,524, which is more than one-fourth of the total sanctioned strength.

Figure 1: Staff Position in Subordinate Courts(2023)



Source: State of the Indian Judiciary Report, 2023 (Centre for Research and Planning, Supreme Court)

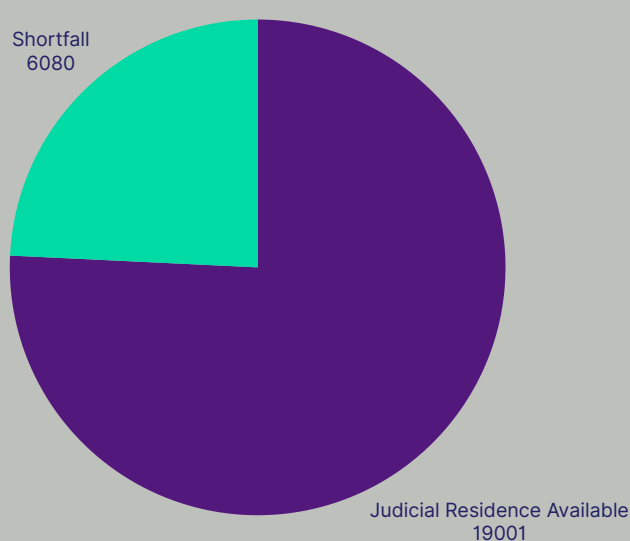
1.1.6 Shortage of courtrooms

As per the 'State of the Indian Judiciary Report 2023,' there are not enough courtrooms for judicial officers in the district courts. As against a total sanctioned strength of 25,081 judges/judicial officers, only 20,831 courtrooms were available in 2023 in the district courts (Centre for Research and Planning 2023, 7). This resulted in a significant shortage of 16.95 percent of courtroom infrastructure in the District Judiciary. When we look at High Courts, there are only 980 courtrooms for 1,114 judges, which amounts to a shortage of 12.02 percent (Centre for Research and Planning 2023, 7).

1.1.7 Shortage of accommodation

In addition to the above issues, there is also a shortage of residential accommodation for judicial officers. Only 19,001 judicial residences were available for the total sanctioned strength of 25,082 judicial officers (Centre for Research and Planning 2023, 16), resulting in a shortfall of 24.24 percent (See figure 2). The availability of residential accommodation can improve efficiency by reducing travel time and enabling prompt response to emergencies.

Figure 2 : Infrastructure Gaps- Accommodation for Judicial Officers (2023)



Source: State of the Indian Judiciary Report, 2023 (Centre for Research and Planning, Supreme Court)

1.2 Broad trends in expenditure on the judiciary

As seen in the previous sections, the judiciary in India is currently facing a huge shortage of judicial resources (human, physical and other aspects) required to address the growing backlogs. Providing these resources requires an increase in budgets at both the state and central levels. In this section, we will be examining the trends and patterns of expenditure by the centre and the state using multiple metrics. For the states, we have analysed their per capita expenditure on the judiciary, expenditure per pending case, and expenditure per court. The importance accorded to the judiciary by each state is gauged by the budgetary allocation towards the judiciary as a percentage of the overall budget of that state.

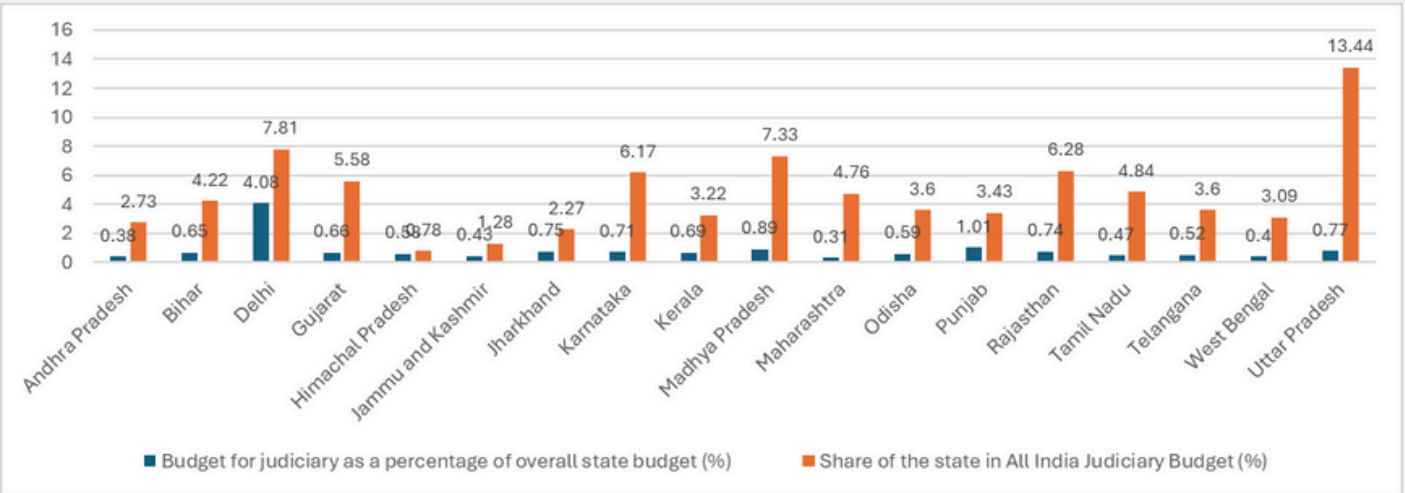
According to the calculations by the authors, expenditure on the judiciary, by the Union and State Government taken together has increased by 81.27 percent from 2019-2020 to 2024-25. The Union government's share of the all-India judicial budget has increased marginally over the last 5 years, largely due to initiatives like e-Courts phase 3 which has a financial outlay of Rs. 7,210 crores (Ministry of Law and Justice 2024). In 2019-20, 95.82 percent of the All-India budget for the administration of justice was allocated by the states. In 2024-25, this percentage has reduced with the states spending 93.56 percent of the All-India budget for the judiciary, and the centre spending 6.43 percent.

It is interesting to note that the Union Government's contribution of 6.4 percent to the All-India budget for the administration of justice is lower than the contributions of some individual states. For instance, Uttar Pradesh accounts for 13.44 percent, and Delhi contributes 7.81 percent to the All-India budget for the administration of justice. This highlights the significant role that states play in the overall funding of the justice administration system.

1.3 Inter-State Disparity in Public Expenditure on Judiciary

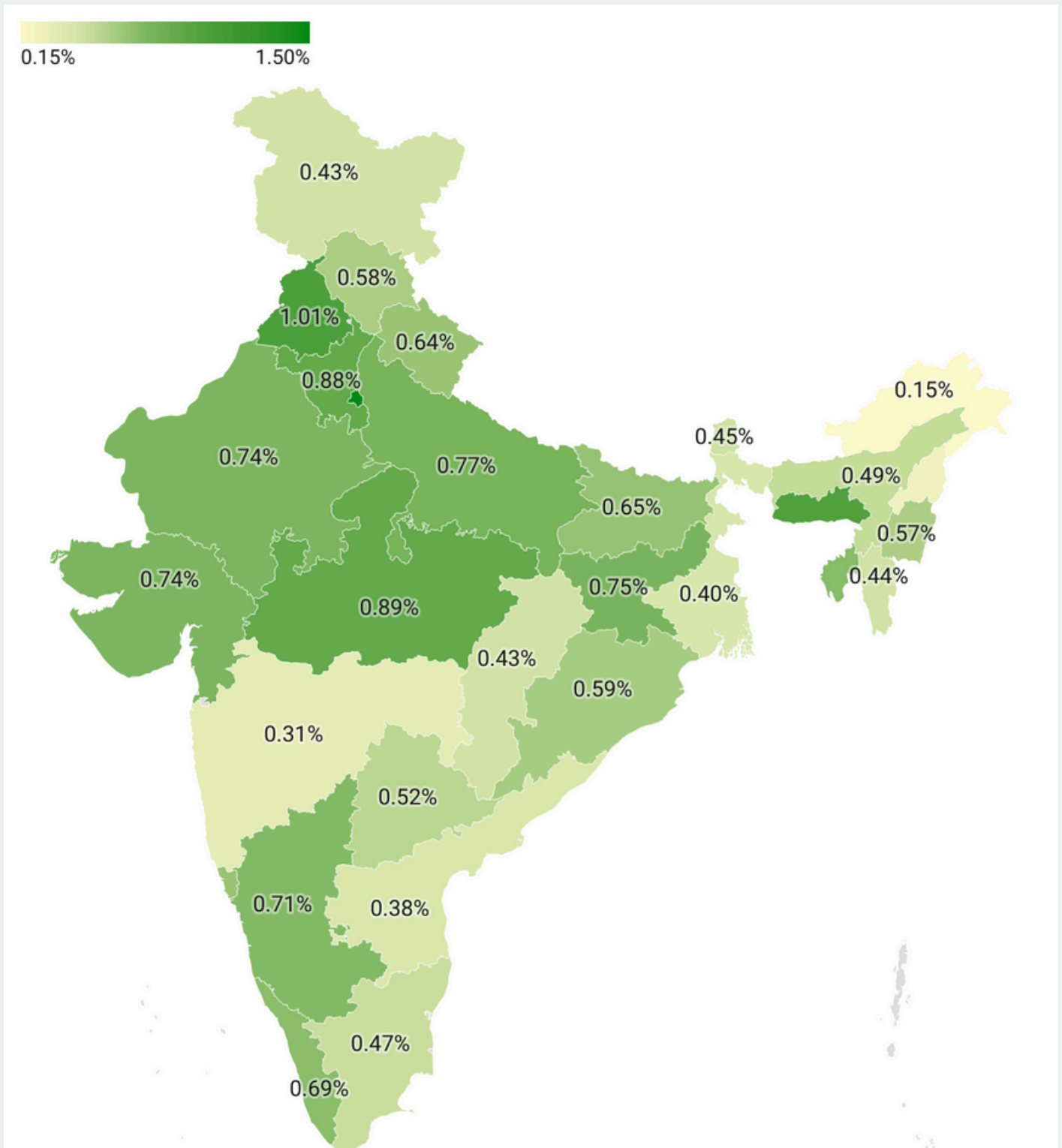
Analysis of the data of various state governments' expenditure on justice delivery reveals significant variations. There is a marked disparity between the states in the proportion of the state's overall budget that is allocated towards the administration of the judiciary. If we look at the 2024-25 budget estimates, it is as high as 4.08 percent for Delhi and as low as 0.31 percent for Maharashtra (See figure 3). The detailed share of major states is presented in figure 3 below.

Figure 3: Share of States in Total Expenditure on Judiciary by All States and Union (2024-25 B.E.)



Source: Authors' calculation based on data from Annual Financial Statements of Departments of Law of Various States; Union Budget Various Years. (See annexure F for data sources)

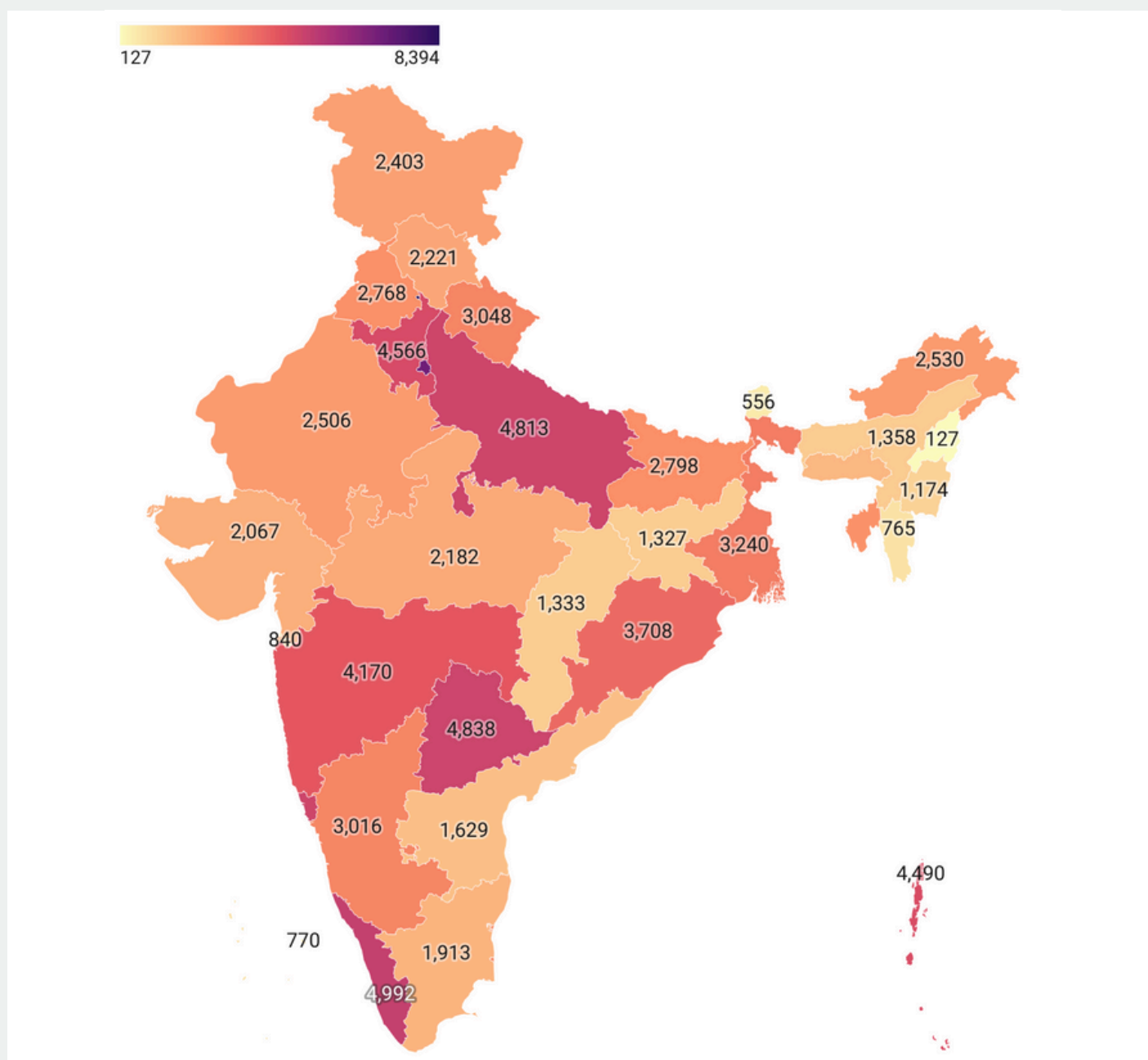
Figure 4: Percentage of state budget allocated towards Judiciary (2024-25 BE)



Source: Authors' calculation based on data from Annual Financial Statements of Various States; Various State Budgets; Union Budget
(See annexure F for data sources)

The burden of pending cases in courts across states also varies quite widely. This can be put into context by comparing it with the population of each state. As per the NJDG data, there are states like Kerala, which have 4992 cases per lakh population and then on the other side there are states like Jharkhand, which have only 1327 cases per lakh population (See figure 5).

Figure 5: State-wise Pending Cases per lakhs of population in October 2024

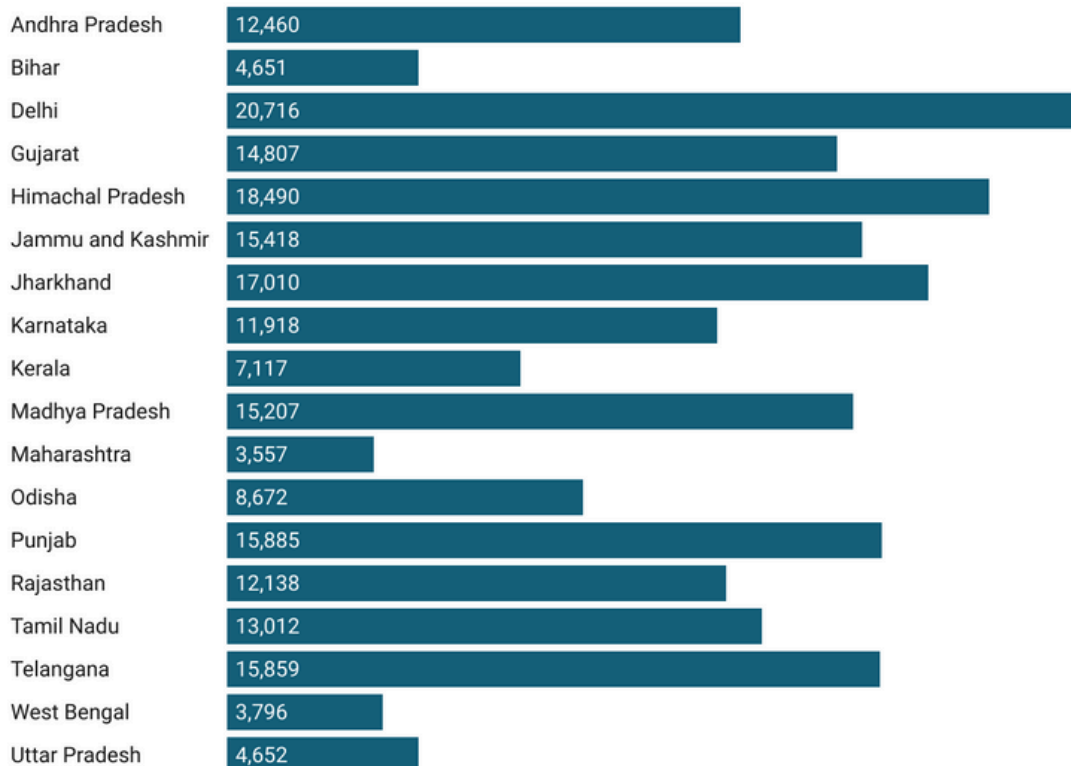


Source: Authors' calculation based on data from Population Projection by National Commission on Population (estimated for 2024); NJDG, DCI, October, 2024 (See annexure F for data sources)

The impact of the variation among the states' prioritisation of the judiciary on the performance of the judiciary becomes clearer when we view this variation in relation to the burden on their courts. There is a significant disparity across states with regard to the budget of the judiciary per pending case. According to the calculations by the authors, the average budget per pending case across all states is Rs. 8134 per pending case. At a state- level these values range from as high as Rs. 20,716 per case for Delhi to as low as Rs. 3,796 per case in West Bengal (See figure 6).

The reason why this metric is important is because the relative priority given to funding the judiciary in the state does not necessarily mean that the state has adequate resources to address the volume of its pending cases. Take Uttar Pradesh, for example, which has allocated 0.76 percent of its budget towards the judiciary, but has one of the lowest expenditures per pending case at Rs. 4,652. Figure 6 below represents budgetary spending per pending case by major states in India.

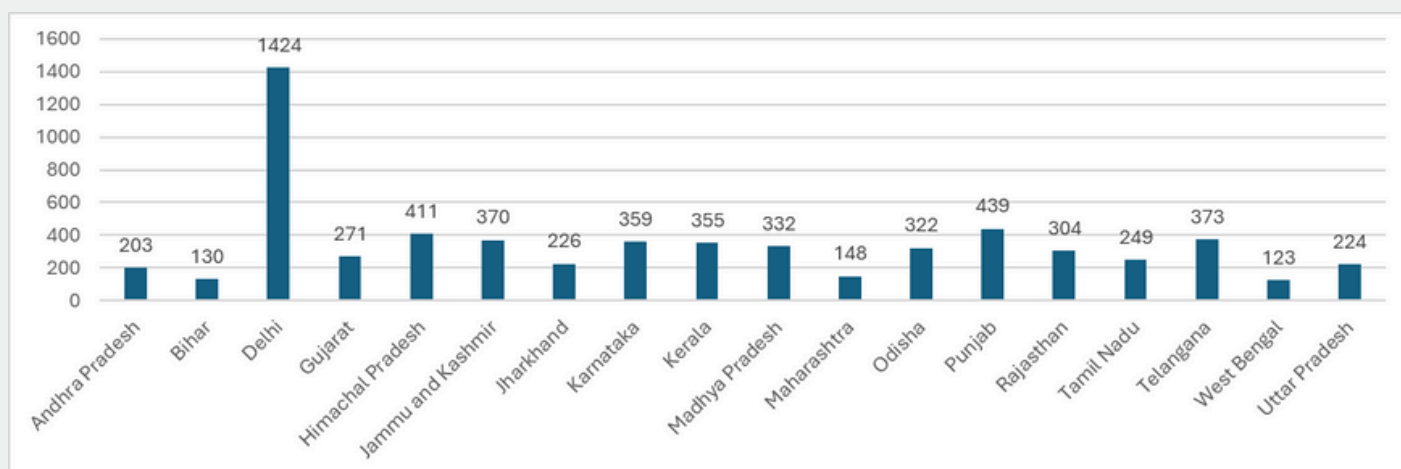
Figure 6: Budget Expenditure per Pending Case (in Rs.) in States (2024-25 BE)



Source: Authors' calculation based on data from Annual Financial Statements of Various States; Various State Budgets; NJDG, DCI, October, 2024 (See annexure F for data sources)

Another way to analyse and compare the state government's spending on the judiciary is the judicial expenditure per capita. As per the authors' calculations, the national average for per capita spending on the judiciary in 2024-25 is Rs. 276, including both the Union and the state governments. Even within this, there is a considerable disparity, with values ranging from Rs. 1,424 in Delhi (budget of Delhi State Government) to a low of Rs. 122 in West Bengal (See figure 7). Considering the above numbers in the context of ensuring equitable access to justice across states, it becomes evident that the unequal and inconsistent budgeting practices for the judiciary significantly contribute to disparities in access to justice. The uneven distribution of funds results in varying levels of infrastructure quality and judicial services across different states, further deepening the inequalities in the legal system.

Figure 7: Judicial Expenditure (in Rs.) per capita for selected States, 2024-25 B.E



Source: Authors' calculation based on data from Annual Financial Statement of Various States; Population Projection by National Commission on Population (estimated for 2024) (See annexure F for data sources)

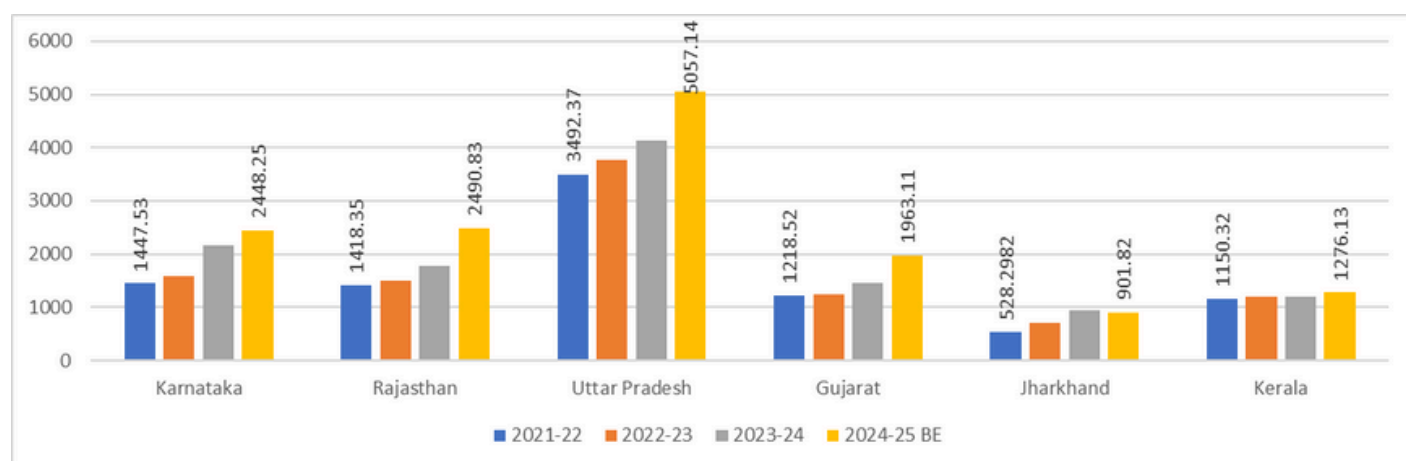
Chapter 2

**JUDICIAL BUDGETS AND PERFORMANCE:
A COMPARATIVE ANALYSIS OF SIX
STATES**

2.1 Trends and Patterns in Expenditure on Judiciary Across States

Analysis of Karnataka, Rajasthan, Uttar Pradesh, Gujarat, Jharkhand and Kerala on the basis of various metrics will reveal the additional patterns of inter-state disparity of expenditure across states. While the budget has increased significantly for states like Uttar Pradesh (79%) from the 2022-23 Actual Estimate (A.E.) to the 2024-25 Budget Estimate (B.E.), for states like Kerala, it has only been a 14 percent increase, as seen in figure 8 below.

Figure 8: State-wise Trends in Total Budget of Judiciary during 15th Finance Commission (FC) period (in Rs. crores)



Source: Authors' calculation based on data from Detailed Budget Estimates and Demand for Grants of Various States; Various State Budgets; Various Years (See annexure F for data sources)

2.2 Varying priorities in the judiciary budget across states

Table 2: State-wise growth in Judiciary budget and their share in State Budget

State	% growth in 2024-25 BE over 2022-23 AE towards judiciary	% share of state budget in All India expenditure on Judiciary in 2024-25 BE	% of state budget spent on judiciary, 2022-23 AE	% of state budget spent on judiciary, 2024-25 BE
Karnataka	48.59	6.17	0.56	0.71
Rajasthan	55.84	6.28	0.43	0.74
Uttar Pradesh	79.10	13.44	0.56	0.73
Gujarat	55.41	5.58	0.53	0.66
Jharkhand	48.62	2.27	0.66	0.75
Kerala	14.01	3.22	0.57	0.69

Source: Authors' calculation based on data from Detailed Budget Estimates and Demand for Grants of Various States; Various State Budgets; Various Years (See annexure F for data sources)

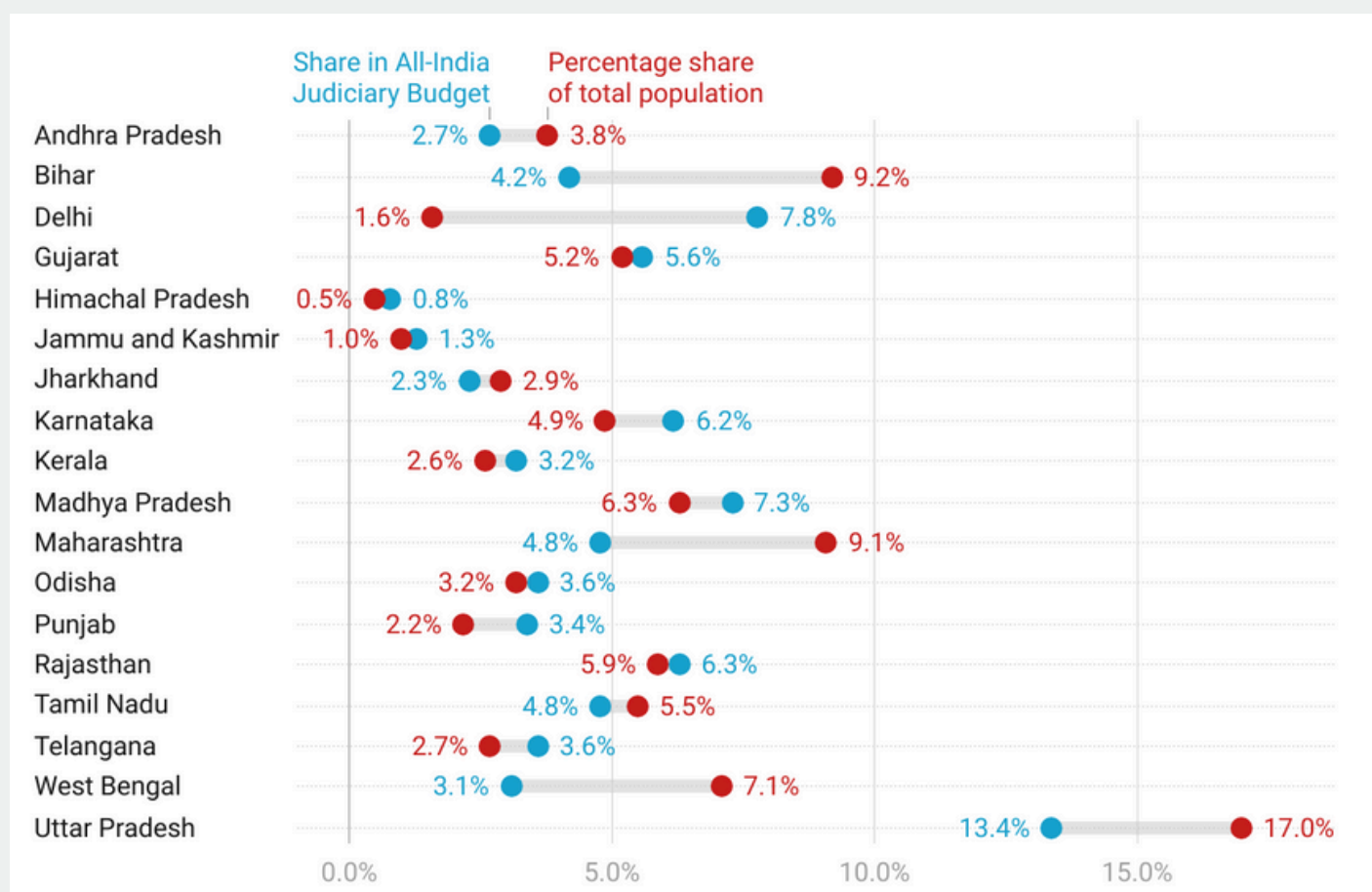
From the above, we can see how different states have assigned differing priorities to the judiciary's budget over time. States like Uttar Pradesh have drastically increased their budget on the judiciary in 2024-25 B.E. by 79 percent from 2022-23 A.E., whereas states like Kerala have increased their budget only by 14 percent in the same period.

A positive sign that we see from table 1 is the equalising trend when it comes to the proportion of the state budget allocated to the judiciary in 2024-25 BE. The range is very low, from 0.66 percent (Gujarat) to 0.75 percent in Jharkhand.

However, it needs to be mentioned that several major states like Maharashtra (0.31 percent) and West Bengal (0.40 percent) have allocated a lower proportion of their budget to the judiciary in the same period.

Once we factor in the population of each state, the disparity in judicial budgeting becomes even more apparent. If we look at figure 9 below, we can see that there are states disproportionately contributing, like Kerala (3.2% of the All-India budget vs. 2.6% of the All-India population), Delhi (7.8% vs. 1.6%), and Madhya Pradesh (7.3% vs. 6.3%), which allocate a higher proportion to the All-India judicial budget compared to their share of the population. States like Bihar (4.2% vs. 9.2%) and West Bengal (3.1% vs. 7.1%) contribute a much lower proportion to the All-India judicial budget relative to their population.

Figure 9: Share of States in All India Judiciary Budget (2024-25 BE) and Population



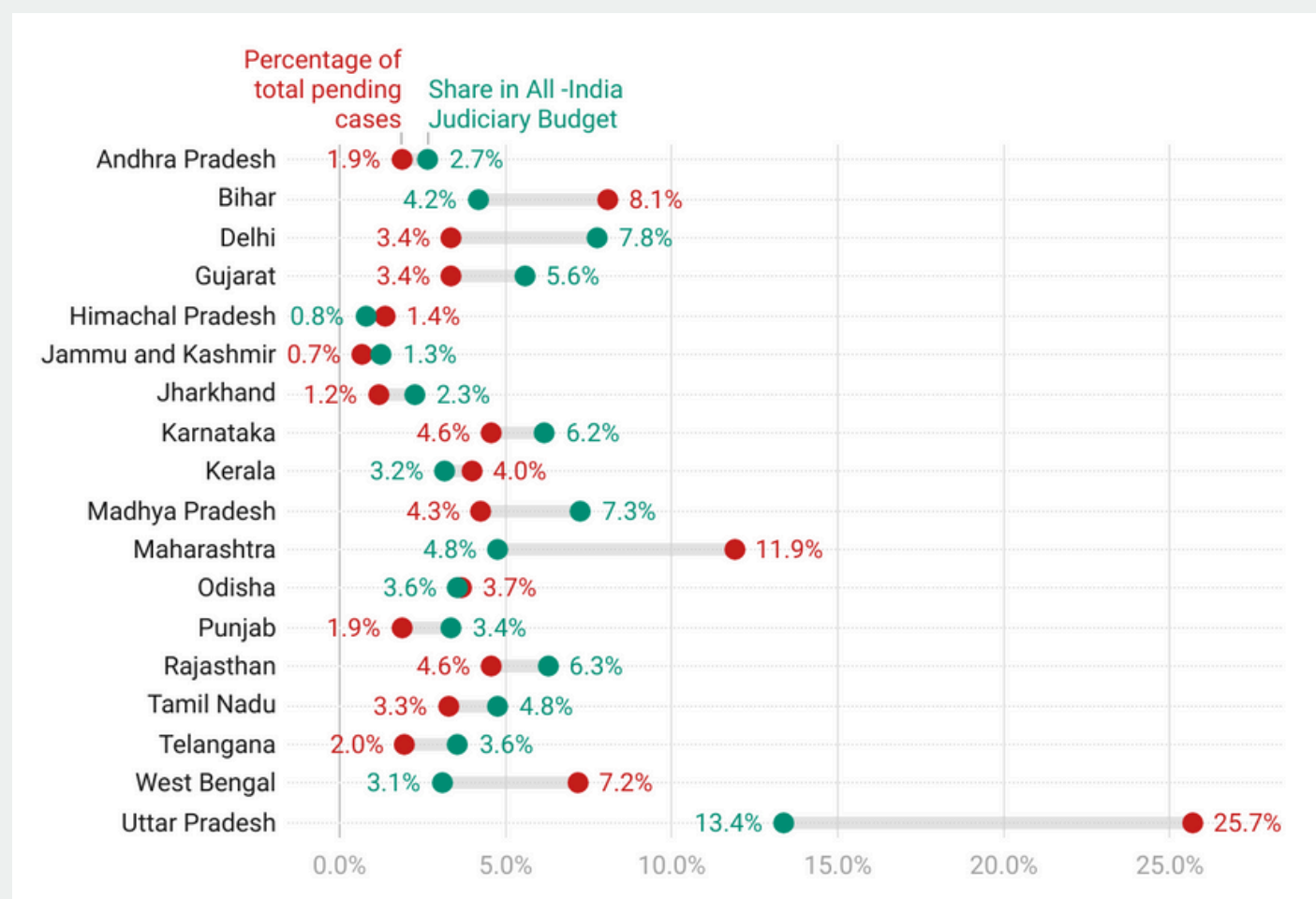
Source: Authors' calculation based on data from Population Projection by National Commission on Population (estimated for 2024); Annual Financial Statements of Various States; Union Budget (See annexure F for data sources)

2.3 Resource share vs. Problem share: How do the States Fare?

2.3.1 Disproportionality between state's share of pending cases and its share in the all-India budget for the judiciary -

As seen in figure 10 below, there is a large variation in the share of states in the total number of cases pending as compared to its share of contribution to the All-India judiciary budget. Take Uttar Pradesh for example, which has 25.7 percent of the total number of cases pending in the country as compared to its share in the All-India judiciary budget which is only 13.4 percent (2024-25 BE). This is in contrast to major states like Madhya Pradesh (4.3 percent of overall pending cases vs 7.3 percent of overall judiciary budget).

Figure 10 Share of States in Cases Pending at All India level and its share in all-India Judiciary Budget 2024-25 BE (in %)

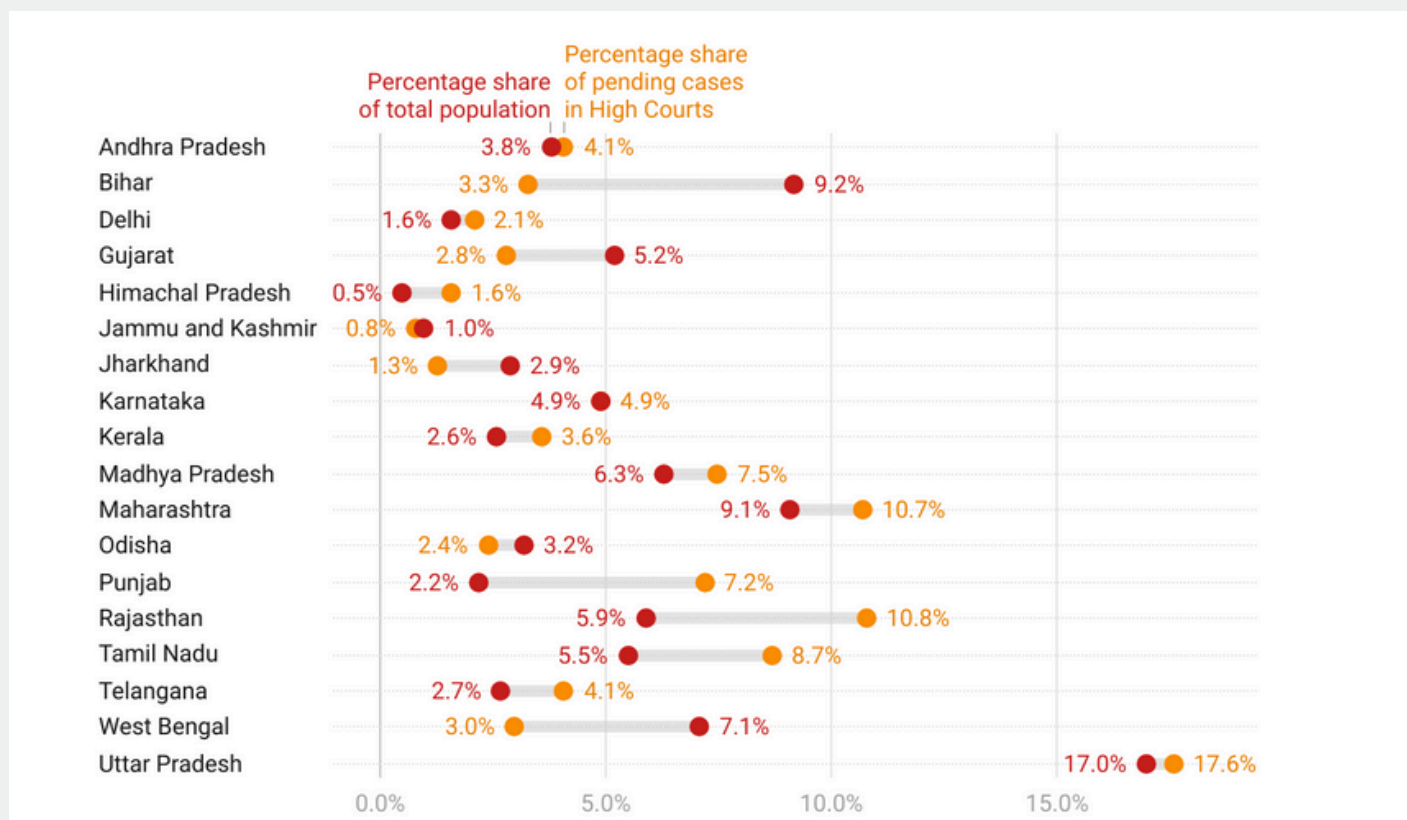


Source: Authors' calculation based on data from NJDG, DCI, October 2024; Annual Financial Statement of Various States; Union Budget (See annexure F for data sources)

2.3.2 Share of states in cases pending in High Court and Subordinate Court, and in the total population-

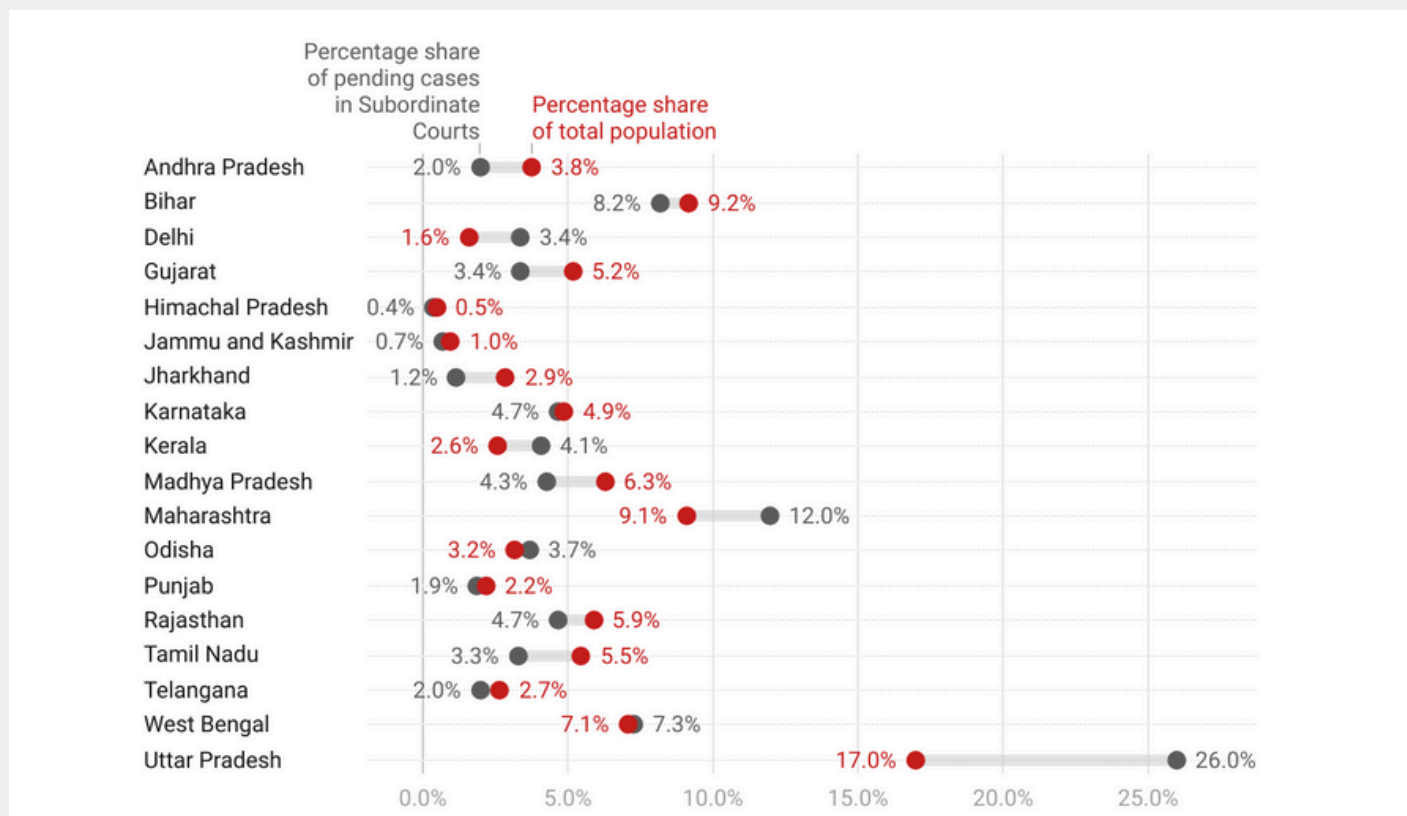
There is also a disparity when it comes to the share of respective states in the number of cases pending in each tier (High Court and Subordinate Courts) as a share of total cases across the country and the proportion of the population they constitute. This can be seen from the figures below (See figure 11 and figure 12). For example, Uttar Pradesh has pending cases in subordinate courts much higher than its share of the population (26% of the cases in subordinate courts vs 17% of India's population).

Figure 11: Share of each State in the total number of cases pending in High Courts, compared to the proportion of the All-India population in each state



Source: Authors' calculation based on data from Population Projection by National Commission on Population (estimated for 2024); NJDG, HC of India, October 2024 (See annexure F for data sources)

Figure 12: Share of States in Pending Cases in Subordinate Courts vis-à-vis their share in all India Population

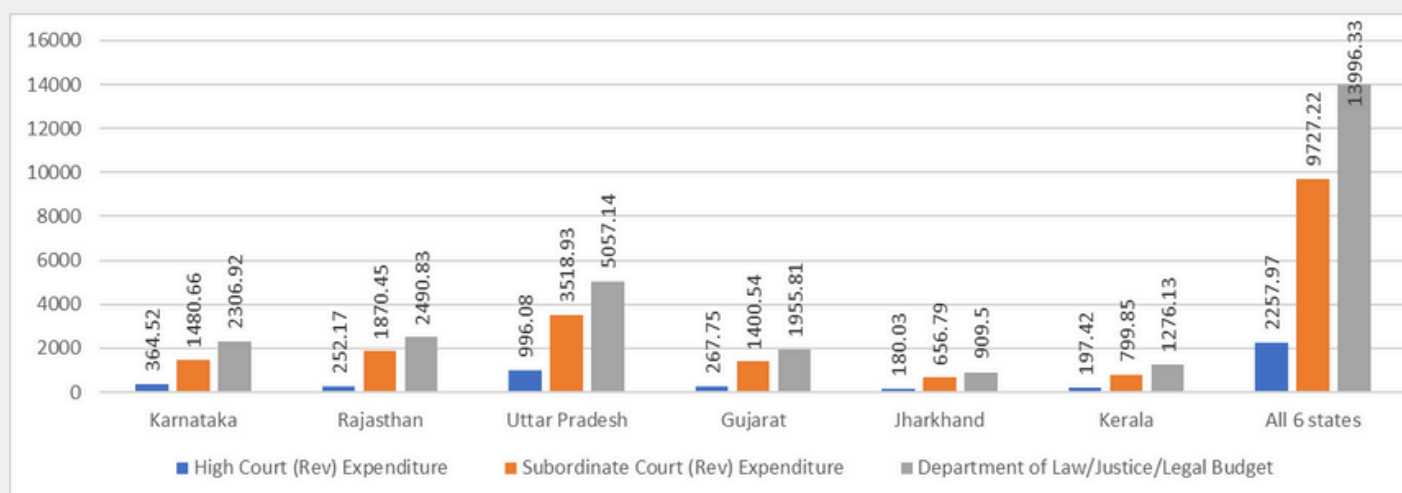


Source: Authors' calculation based on data from Population Projection by National Commission on Population (estimated for 2024); NJDG, District Court of India, October 2024 (See annexure F for data sources)

2.3.3 The relative share of subordinate courts and high courts in budgets-

For a deeper study to understand the patterns of disparity of expenditure in each state, we considered six major states (classification based on population and geographical area) from various parts of India. We have considered Karnataka, Rajasthan, Uttar Pradesh, Gujarat, Jharkhand and Kerala. According to our calculations, when we looked at the 2024-25 budget estimate, these six states collectively have allocated 69.5 percent of the overall budget of law departments (of these six states) to the subordinate courts and 16.13 percent to the high courts. In the remaining 15 percent, there are expenses like judicial academy expenses, legal counsel expenses, law college, etc. The varying expenditures of each state can be seen in figure 13 below.

Figure 13: Components of Judiciary Expenditure for 2024-25 BE (in Rs. crores)

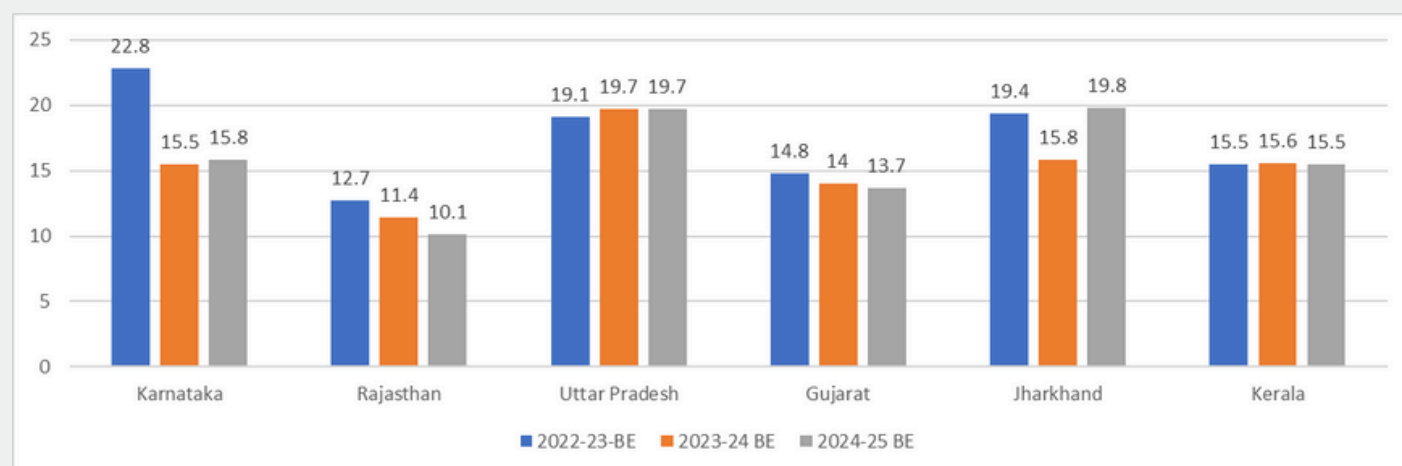


Source: Authors' calculation based on data from Detailed Budget Estimates of Various States (2024-25 BE) (See annexure F for data sources)

For most states under study, the proportion of the judiciary budget spent on high courts ranges from 10 percent to 22 percent (See figure 14). Apart from Jharkhand, all the other states have their expenditure on high courts either plateauing or decreasing.

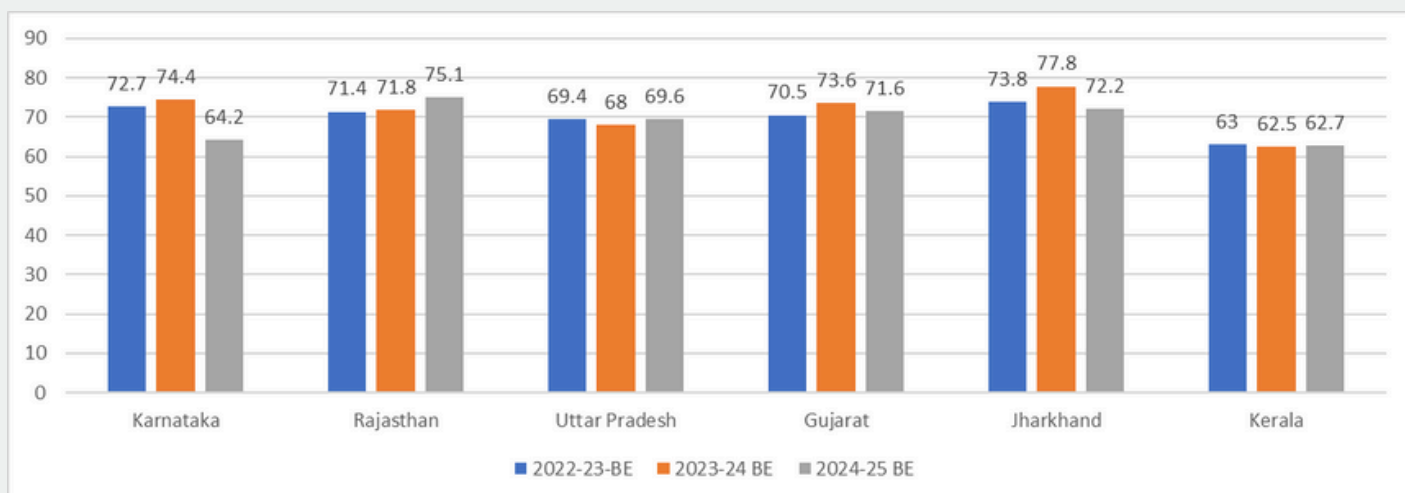
At the same time, when we look at the data of the proportion of the judiciary budget spent on the subordinate courts, the number ranges from 10 percent (in Rajasthan) to 19 percent (Jharkhand). There seems to be a plateauing of the proportion of judicial expenditure on subordinate courts across states

Figure 14: Share of High Courts in Judiciary Spending (in %)



Source: Authors' calculation based on data from Detailed Budget Estimates of Various States, Various State Budgets; Various Years. (See annexure F for data sources)

Figure 15: Share of Subordinate Courts in Judiciary Spending (in %)



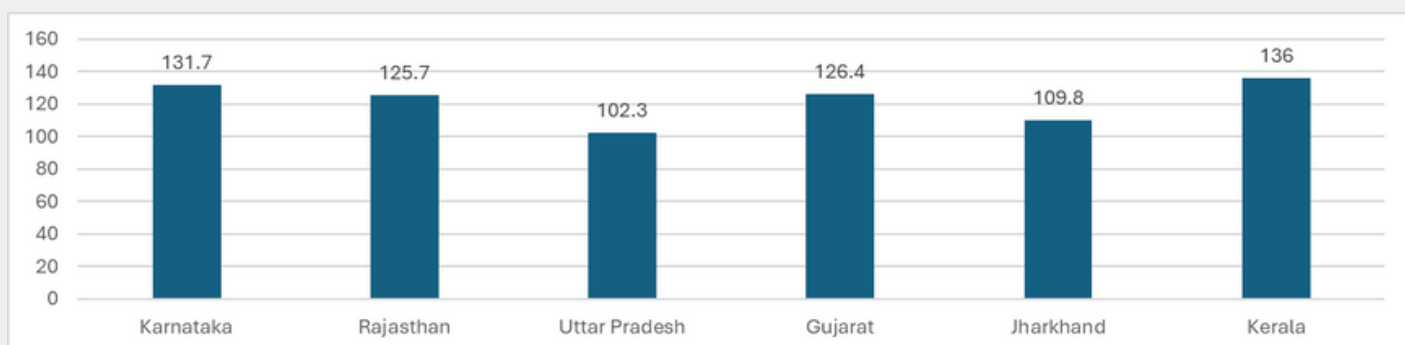
Source: Authors' calculation based on data from Detailed Budget Estimates of Various States, Various State Budgets; Various Years. (See annexure F for data sources)

2.4 High Courts versus Subordinate Courts: Burden of Pendency of Cases, Priorities in Budgets and Underutilisation of Budgetary Allocations

2.4.1 Average expenditure per court

If we take a look at the average expenditure per subordinate court for the six states selected above, the range is from Rs. 102 lakhs in Uttar Pradesh and to Rs. 136 lakhs in Kerala (See figure 16). This is not a large range. But if we consider other states, we have Delhi, which has a whopping Rs. 447 lakhs spent on each subordinate court, and on the other side we have West Bengal which spends a modest Rs. 43.05 lakhs on each subordinate court (based on calculations by the authors).

Figure 16 Expenditure per subordinate court (in Rs. lakhs)



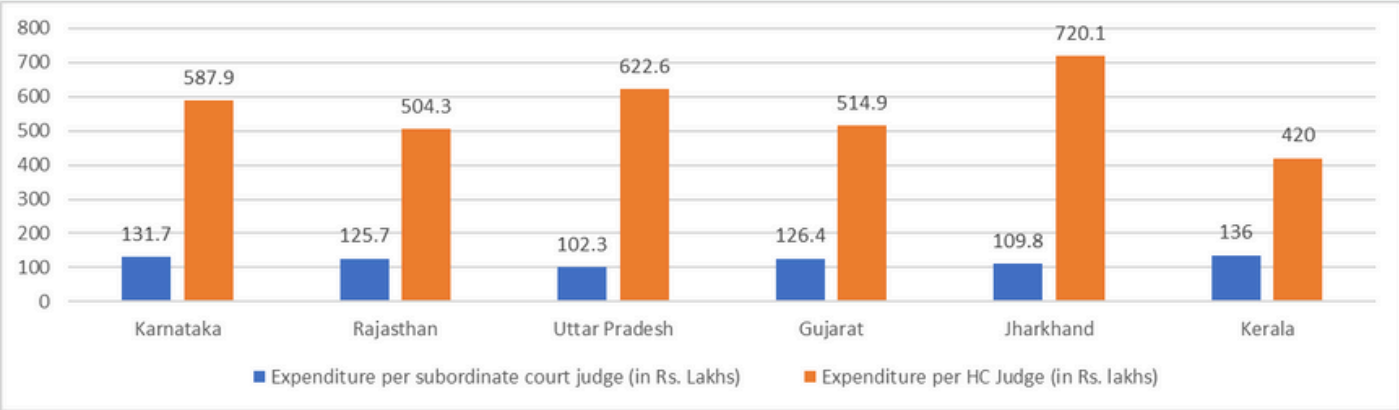
Source: Authors' calculation based on data from Detailed Budget Estimates of Various States (2024-25 BE); NJDG, DCI (Court judge report), November 2024 (See annexure F for data sources)

2.4.2 Average expenditure per Judge

If we take a look at figure 17 below, we see that the average expenditure per judge in the high courts is much higher than the average expenditure per judge in subordinate courts. Considering the expenditure in the six states under this study, according to calculations by the authors, the combined average expenditure on high court judges of the six states is 4.6 times the combined average expenditure on subordinate court judges.

According to the calculations by the authors, there is also a lot of variation even within these six states, with Uttar Pradesh spending 6 times on a high court judge compared to subordinate judge, and on the other side Kerala spends only 3 times on a high court judge compared with subordinate judges.

Figure 17: Comparison of Revenue Expenditure per judge, between High Court and Subordinate Courts (in Rs. lakhs)

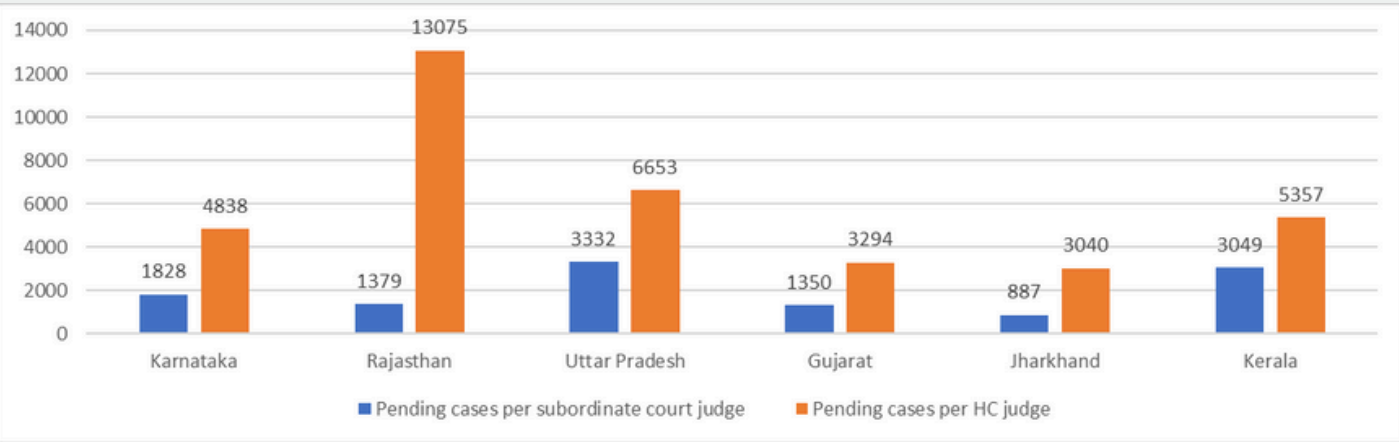


Source: Authors’ calculation based on data from Detailed Budget Estimates of Various States, Various State Budgets (2024-25 BE); NJDG, DCI (Court Judge Count Report), October 2024; Department of Justice, Government of India (See annexure F for data sources)

However, the above metric also needs to be seen in the context of case burden per judge. If we look at figure 18, it can be seen that the number of pending cases per high court judge is around 3 times the number of cases pending with each subordinate court judge. Here also the ratio of number of pending cases per high court judge to number of pending cases per subordinate judge differs widely across the states. Even in the six states studied, the range is quite high with Rajasthan having a ratio of 9.48 (cases pending per high court judge to cases pending per subordinate court judge),and then on the other side there is Kerala with a ratio of 1.75 times (See figure 18).

2.4.3 Case burden per Judge

Figure 18 Comparison of case burden per judge, between High Courts and Subordinate Courts

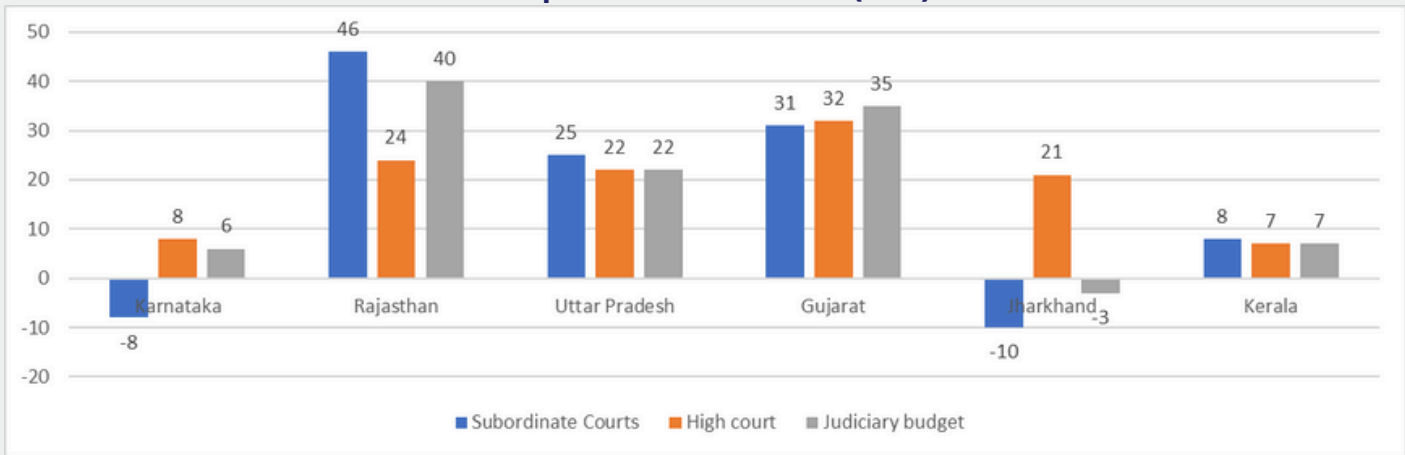


Source: Authors’ calculation based on data from NJDG, DCI, October 2024; NJDG, HCI, October 2024; Parliament Questions- Lok Sabha Unstarred Question No. 1354 answered on 26.07.24; Department of Justice, Government of India (See annexure F for data sources)

2.4.4 Growth in Budget: High Courts vs Subordinate Courts

When we analyse the growth of budget in 2024-25 B.E. compared to 2023-24 B.E. on each tier of the judiciary (and also the overall budget for the judiciary) in each of the six states studied, there is quite a large variance in the growth rate. In Karnataka and Jharkhand, the expenditure on subordinate courts is witnessing a decrease (See figure 19). Jharkhand’s overall budget for the judiciary has also fallen. On the other hand, states like Gujarat, Uttar Pradesh and Rajasthan are witnessing a huge increase across all components.

Figure 19 Growth rates of the components of the JudiciaryBudget, for six States- 2024-25 B.E. comparedto 2023-24 B.E (in %)



Source: Authors’ calculation based on data from Detailed Budget Estimates of Various States, Various State Budgets; Various Years (See annexure F for data sources)

2.5 Relevance of Finance Commission in Financing of the courts and tribunals and Rule of Law in India

From the sections above, it can be gauged clearly that there is multi-dimensional inequality in the budgetary allocation to the judiciary in India. Each state government prioritises the judiciary and the budgetary allocation to the judiciary in different ways. There are constraints to each state government like fiscal imperatives (increasing public debt) and lack of development in certain poorer states that can reduce the priority given to the judiciary in its budgetary allocation. However, we need to be cautious not to generalise since the low prioritisation is not necessarily due to economic constraints. A well-off state like Maharashtra spends only 0.31 percent of its state budget (2024-25 B.E.) on the judiciary.

It is in the above context of disparity of budgetary allocation to the judiciary that the relevance of the Finance Commission increases to correct the imbalances in funding of the judiciary, and also to suggest policy recommendations. The inequality in budgeting for the judiciary is both horizontal (different priority and budget size for the judiciary among the states) and also vertical (states spend more than 90 percent of the All-India Judicial Budget). Although the administration of justice, constitution, and organisation of all courts, except the Supreme Court and the High Courts’ come under the Concurrent List, states bear the significant majority of the financial burden of financing the judiciary.

The above vertical nature of disparity needs to be looked at in the context of the changing nature of taxes imposed by the Union government in recent times. According to a study by the Fifteenth Finance Commission, the share of surcharges and cesses in the Gross Tax Revenue of the Union

government has gone up from 10.4 percent in 2011-12 to 28.1 percent in 2021-22 (Pavithra K.M 2023). According to the Finance Ministry data, the surcharges and cesses have increased 133 percent in the 5 years between 2017-18 and 2022-23 (IANS, 2023). These surcharges and cesses do not come under the divisible pool of the tax collected by the Union government. As a result, it is only fair if the Union government utilises these to allocate more funds towards the improvement of governance in all tiers and wings of the government, especially the judiciary. The Finance Commission (FC) is the appropriate forum through which these changes in financial allocation and policy recommendations can be introduced.

The Finance Commissions from the 13th FC onwards have been recommending sectoral grants for the judiciary. The 15th Finance Commission, in its report, rightfully opined that ‘the judiciary is the foundation of any peaceful and progressive nation’. The 15th FC recommended grants of Rs. 10,425 crores to construct Fast Track Special Courts (FTSC) in all states, with the basis of allocation being the number of crimes in each of the states. However, as noted in the previous sections, the number of FTSCs constructed in the 15th FC period has been much less than the number recommended.

2.5.1 Need for Improving the Judiciary’s Capacity for Budgeting

The underutilisation and under-allocation of funds (by the FC) to the judiciary are mainly due to the judiciary’s lack of capacity for budgeting. The judges are usually preoccupied and overburdened with a huge number of pending cases and often do not have time to focus their attention on the infrastructural deficits of the court system (DAKSH and CBGA 2018, 22). There are also several other obligations tied to a grant from the Finance Commission that also make it harder for the already burdened judiciary to get access to the required funds. For example, a performance audit done by the CAG on General and Social Sector of Kerala for the financial year ended 2016 had a chapter that studied the utilisation of funds for the judiciary from the 13th Finance Commission. It reported that Kerala utilised only 54 percent of the funds allocated to the judiciary by the 13th Finance Commission, and the main reason was the delay in submission of the State Litigation Policy (SLP)¹ by the State of Kerala (Comptroller and Auditor General of India 2017, 61-62). (The State Litigation Policy was intended to ensure the conduct of responsible litigation to reduce Government litigation in courts.) The report stated that the SLP was given 9 months late. The grants from the Union government were tied to obligations such as the submission of SLP, and this affected the grant allocation. This is an example of how the lack of capacity within the judiciary, especially research and budgeting-specific expertise, is a major lacuna affecting financial processes.

The budgeting for the judiciary can be improved only when it has dedicated personnel with experience in budgeting. The budgeting for the judiciary can be improved when the needs and the operations of the judiciary are understood, and this requires a dedicated research team that can spend time doing deep research into the various challenges that the judiciary faces. The annual budget proposal should be based on holistic information, including the number of expected incoming cases for a year by subject matter, the available personnel and material resources, information about the performance of other courts, including the duration of proceedings, the number of pending cases, the expected number of judicial decisions, etc. and an estimated budget that is necessary to realise these expected outputs (DAKSH and CBGA 2018, 23). At the end of a financial year, the administrators of the courts are supposed to prepare an annual report, outlining the utilised budget and court performance. (Durani, Kumar, & Sinha, Judicial Budgets: From Financial Outlays to Time-bound Outcomes 2018, 231).

Therefore, there is a need for a separate wing within the courts which can prepare need-based budgets, and conduct performance appraisals of the courts which can objectively show the areas for improvement, and also improve financial accountability.

With dedicated wings like these, fund utilisation will also improve. This can serve as a course correction from past and present instances when the grants for the judiciary from the Finance Commission have been mostly underutilised. Merely allocating grants towards the judiciary without addressing the challenges afflicting the judiciary (infrastructural, institutional and human resource related) will not lead to meaningful improvements in the state of the judiciary.



Chapter 3

BUDGETING FOR THE JUDICIARY IN INDIA:
PROCESSES, ISSUES AND CHALLENGES



The 15th Finance Commission noted the negative impact of acute pendency of economic cases in courts 'taking a toll on the economy in terms of stalled projects, mounting legal costs, contested tax revenues and reduced investments' (Fifteenth Finance Commission 2020, 310). To address the challenges mentioned by the 15th Finance Commission, there needs to be an increased emphasis on creating a medium-term vision for the courts and tribunals, a budgetary outlay required for fulfilling this vision, and how the Finance Commission could supplement allocations from the respective ministries.

Judicial budgeting processes in India have traditionally relied on historical recurring costs rather than a scientific approach (Durani, Kumar, & Sinha 2017, 225). The judiciary in India follows an incremental approach, where small adjustments are made to the previous year's budget to arrive at the demand for grants for the present year. A policy document prepared by the National Court Management System Committee appointed by the Supreme Court reveals this system of budgeting -



'In Taluka Courts, District Courts and High Courts, experience shows that the clerical staff picks up demands as were made in the earlier years for funds and grants and the same is forwarded to the Government by taking signature of the Judges in the Districts or Registrar General at the level of High Court. Most of the Judicial Officers are not proficient in the art of planning and preparation of Budgets so that the Budget meets the requirements for the next year and is neither excessive nor short. Need of expert assistance at these levels is matter of consideration'. (National Case Management Systems Committee 2012, 44)

The problem is not simply insufficient funds but rather improper planning and allocation of financial resources for judicial administration

3.1 Process of Judicial Budget Planning in India

The Indian judicial system is structured in three levels: the Supreme Court of India, situated in Delhi; the High Courts, typically located in state capitals; and the district judiciary, which operates within each district. The budget for the Supreme Court is prepared by its Registrar General and then sent by the Union Law Ministry to the Ministry of Finance. A similar process is followed by the High Courts and state governments. Additionally, the High Courts are responsible for preparing budgets for the lower courts within their respective states. In the budgeting process for district and High Courts, information is collected from each subordinate court, after which consolidated annual statements are submitted to the state legal department. Typically, clerical staff includes funding demands from previous years, which are then forwarded to the government with the signatures of judges in district courts or the Registrar General at the High Court level (National Case Management Systems Committee 2012, 44).

The National Court Management Systems Committee, led by Justice Badar Durrez Ahmed, suggested that the current approach to judicial budgeting should be fundamentally restructured. So far, budgeting has relied on a supply-side approach, where the judiciary receives only what state governments allocate to it. To better serve the judiciary's needs, this approach should be demand-driven. Financial allocations should not be limited to a percentage of the total budget but should instead be based on infrastructure needs and projected judge strength.

3.2 Issues relating to budgeting in the Judiciary

In addition to previously mentioned challenges like underutilisation of funds, inefficient budget planning, manpower shortage, and several other issues, the judiciary in India faces several other systemic issues. The following sections delve into those issues.

3.2.1 Nature of Fiscal Federalism in India and Judiciary's Funding Constraints

According to the Department of Justice (DoJ), the primary responsibility for funding the district judiciary lies with the state governments. However, India's fiscal federalism creates an imbalance, which results in the Union government having access to a larger share of tax revenue than the states. As a result, states have often relied on Union government support for major projects, typically provided through grants recommended by the Finance Commission for specific schemes.

With the 14th FC recommendations, the responsibility for providing additional funds to the judiciary rests primarily with the states. When the DoJ requested Rs. 9.749 crores in grants for the judiciary, the Commission endorsed the proposal but directed states to utilise their increased tax devolutions (and grants) to meet these basic needs. This shift has placed a greater burden on the states, potentially impacting judicial infrastructure and efficiency (Department of Justice 2015).

3.2.2 Lack of accountability

A lack of regular audits for judicial budgets is a hindrance to those in charge of planning the budget. While the Union government has designed a host of IT platforms for financial accountability, such as the Central Plan Schemes Monitoring System (CPSMS), the Public Finance Management System (PFMS), these systems cannot track the tangible progress of targets under various schemes. As a result, there is insufficient information on where fund utilisation has been most effective and where it has fallen short.

CAG audits, especially performance audits, are considered the most credible studies on the efficiency and effectiveness of government schemes. If we take a look at all the performance audit reports published by CAG on its website (Comptroller and Auditor General of India 2024), only around 13 reports (from 2009 to 2021) are on the performance of various aspects of the judiciary (Modernisation of the judiciary, utilisation of Finance Commission funds, etc.). These 13 reports are from performance audits done in 11 states (states like Maharashtra and Mizoram have had such audits done twice). This shows that most states have not had any performance audit of schemes for the judiciary. In recent times, the funding from the centre to the states has increased when we look at the nature of the transfers. Funding under the e-Courts projects is mostly for capital expenditure (technology adoption and upgradation). The e-Courts phase 3 outlay is Rs. 7,210 crores (Ministry of Law and Justice 2024). This is a significant amount and is being implemented exclusively through individual High Courts. Given the scale of this project, it is crucial to assess the outcomes of these expenditures. This can be effectively achieved through regular performance audits conducted by the CAG. Frequent performance audits by the CAG will enable a better understanding of the schemes, and will also enable the creation of a system of performance-based budgeting. Another important outcome is the improved credibility of the judiciary, as its current absence from appearing before the Public Accounts Committee (an important committee of the Parliament) limits an important function of financial accountability. (Jain, Jain, & Tripathy 2019, 9).

3.3 Finance Commission grants toward the judiciary

The Finance Commission is a constitutional body that is constituted every five years by the Union government to define financial relations between the Union and the state governments along with local governments. It ensures that the principle of 'fiscal federalism' is followed in letter and spirit, by ensuring devolution of the central pool of taxes towards the state governments to correct the anomaly of minimal tax revenue and disproportionately high development expenditure of the state governments (Fifteenth Finance Commission 2020, 158). Therefore, most public discussions about the Finance Commission usually revolve around how the devolution of central tax should occur (vertical distribution) and how much each state should receive (horizontal distribution) (Venkatraman 2018).

So why did an institution which is mandated to define the financial relations between the various levels of government then decide to allocate sectoral grants, especially towards the judiciary (and also other sectors)? That is because multiple provisions in the Constitution of India deal with vertical and horizontal transfers, which are recommended by the Finance Commission. In addition to provisions dealing with tax devolution to states (Article 270 and later Article 272), there are provisions like Article 275 which deals with statutory grants-in-aid to states, and Article 282 (discretionary grants to states) that are incorporated to improve governance and administration across the country (Sixteenth Finance Commission of India 2024).

The scope of statutory grants-in-aid was very limited in the initial years, restricted only to fill the gap between the non-planned revenue expenditure and the revenue of each state (Sixteenth Finance Commission of India 2024). The scope of this grant was gradually increased in successive Finance Commissions, with some finance commissions being asked to review the requirements of states that were backward in general administration (administration of justice, jails, police, medical and public health, etc.). Sectoral grants started being granted to the judiciary from the thirteenth commission onwards.

The latest grant towards judiciary was by the Fifteenth Finance Commission, which granted Rs. 10,425 crores to build more Special Courts (Fast track Courts) for POCSO, heinous crimes, etc (Fifteenth Finance Commission 2020, 310). The purpose of this grant was to support governance and administrative reforms in India in general, with the strengthening of the judiciary being identified as a key step towards that goal. The basis for this allocation, according to the 15th Finance Commission, was to fulfill the principles of 'equality of basic services across states' and 'to address special burdens or obligations of national concern, though within the state's sphere'. The allocation was recommended after consultation by the Finance Commission with the Department of Justice in the Ministry of Law and Justice.

3.3.1 Lack of implementation of funds granted by the Finance Commission

As mentioned before, only 20 percent of the funds recommended by the 13th Finance Commission for the judiciary were utilised. Even when we take a look at the grant made by the 15th Finance Commission, there is a huge shortfall. According to the information provided in the report of the 15th Finance Commission, for the first three years (2021-22, 2022-23, and 2023-24), Rs. 6,255 crores were supposed to be allocated as a grant to all the states collectively for construction of Special Fast Track Courts as well for running existing fast track courts.

The report stated that 2,530 fast-track courts were planned to be started and maintained over 5 years using the grant made to the judiciary. The reality, however, is much different. According to the reply given by the Ministry of Law and Justice Department to the Lok Sabha on 09.02.2024 (Department of Justice, Ministry of Law and Justice 2024) there were only 851 functional fast-track courts in India. According to the Department of Justice website, there were only 747 fast-track special courts in India as of December 2024 (Department of Justice, Ministry of Law and Justice 2025). It is to be noted that the establishment of these fast-track special courts began in October 2019, under the Centrally Sponsored Scheme of the DoJ to set up FTSCs (Department of Justice, Ministry of Law and Justice 2025). This was before the recommendations of the present Finance Commission came into effect.

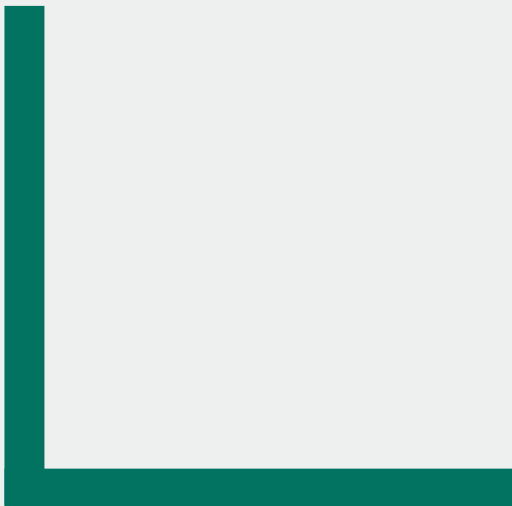
The main issue with the above is that the implementing agencies for the Special Fast Track Courts scheme (court buildings) are the individual State Public Works Departments and not the judiciary. Therefore, the lack of oversight by the judiciary leads to a lack of prioritisation of building of SFTCs. In the subsequent schemes and grants, the judiciary needs to be appointed as the implementing agency. Direct supervision and authority will lead to more effective utilisation of funds (similar to how the Military Engineer Service, which provides engineering and construction support to the Indian Armed Forces, comes directly under the Army Chief). The 100 percent utilisation of funds by the high courts at the Department of Justice level for the e-Courts phase III 2023-24 tranche (Lok Sabha 2024) is an example of how assigning judiciary the responsibility will improve utilisation of funds (High Courts are the implementing agencies of e-Courts projects).

In addition to the above, a recent study published in The Hindu suggested that several states in India do not have any functional special fast track courts (these include major states like Odisha, Kerala, Rajasthan, and Telangana) (Ahamed & Biswas 2024). The reason for this is the lack of resources. The grant for setting up special fast-track courts is given by the Union government, but the daily operations are to be done by the states. And the states are fund-constrained to run these special fast-track courts. Also, the study mentions that the addition of special fast-track courts has not led to a decrease in case pendency in these high-priority cases. The remedy offered by the study is improved adoption of digital infrastructure and technology, in addition to improvements in forensic sciences. Therefore, merely adding Special Fast Track Courts is not a solution. The 16th Finance Commission needs to look at technological and scientific infrastructure as the means to improve judicial performance in India.



Chapter 4

REFORM SUGGESTIONS TO THE SIXTEENTH FINANCE COMMISSION ON GRANTS FOR THE JUDICIARY



The grants made by the Finance Commission towards the judiciary in the previous years have largely been for the construction of newer Fast Track Special Courts (FTSC) and the maintenance of existing FTSCs (Fifteenth Finance Commission 2020, 16). The establishment of FTSCs, as mentioned in the previous sections, has not led to a decrease in case pendency in those high-priority cases and the FTSCs are also facing funding issues due to the fund constraints faced by the state governments (Ahamed & Biswas 2024), ultimately leading to several FTSCs becoming non-functional. In this context, the Finance Commission must re-examine the purpose of grants for the judiciary. The funding needs to go beyond the addition of FTSCs and should look at boosting the technological and scientific infrastructure, in addition to enhancing the budgeting and resource allocation process, as a means to improve the capacity of the judiciary. ***We suggest the following reforms that are aimed at improving not only the budgetary aspects, but also other concerns like shortage of judges and court-staff.***

4.1 Establishment of Reform and Research Offices

As proposed in the Memorandum to the 15th Finance Commission (DAKSH and CBGA 2018, 25), we are advocating for the establishment of Reform and Research Offices in each High Court and in the Supreme Court. These teams need to comprise personnel with expertise in the judicial system, data science, behavioural science, and judicial policies.

Each of these teams should have judicial officers supported by a team of experts in Data Science, Behavioural Science, and Organisational Development, which will be formed to study the judicial process and performance, identify issues affecting the performance of courts, and then accordingly formulate solutions for the same. The teams' duties and authorities need to be well-defined, and the differences in the work done by them and the registry staff should be laid out. This will enable a cooperative environment for both the reforms team and the registry staff. Also, it is essential to have an appropriate authority for oversight, like the Chief Justice of India for the Supreme Court or a committee of judges for the High Court (DAKSH and CBGA 2018, 25). ***We estimate the total cost of one such office over the Sixteenth Finance Commission period to be Rs.30.12 crores. (See Annexure B for more details)***

4.2 Secretariat for Judicial Appointments

The perennial issue of shortage of judicial officers and courtroom staff was elucidated in the previous sections of this paper. This issue would require a dedicated team to calculate the requirement of human resources in a court. At present, it is done by the court registry staff, who are already engaged in several other responsibilities. The process of appointment to the judiciary is a long one involving several tasks like calculation of the required strength of judges based on the present (and also projected future) number of pending cases, requesting applications for the posts, processing the applications, and evaluating the applicants for their experience and suitability (DAKSH and CBGA 2018, 25-26). As mentioned in the Memorandum to the 15th Finance Commission (DAKSH and CBGA 2018, 25-26), we propose the creation of a Secretariat for Judicial Appointments in each High Court and the Supreme Court. These Secretariats will be able to dedicate their resources specifically to the administrative and procedural process of judicial appointments, thereby improving the efficiency and speed of the selection process. ***We estimate the total cost of one such Secretariat over the Sixteenth Finance Commission period to be Rs.15.32 crores. (See Annexure C for more details)***

4.3 Technological Initiative

While e-Courts Phase 3 has made substantial allocations (Rs. 7210 crores over 4 years, approved in October 2023) towards technology for courts, the human resources aspect of the project is unclear. While the process of digitisation of courts is ongoing with assistance from the NIC, a dedicated state-level team with technological expertise as proposed in the 'Memorandum to the 15th Finance Commission' (DAKSH and CBGA 2018, 26) should be established with the goal of formulating and implementing the tools and training required to address the needs of the judiciary. With the e-Courts Phase 3 funding ending in 2027, this allocation by the Finance Commission will ensure that the initiatives undertaken under e-Courts Phase 3 are sustained over the next few years. ***We estimate the cost of such a team at the High Court level Secretariat over the Sixteenth Finance Commission period to be Rs. 7.53 crores. (See Annexure D for more details)***

4.4 Budgeting Practices Initiative

As has been mentioned several times in the previous sections, the capacity of the courts in terms of budgeting processes needs significant improvement. This would require a dedicated team to research the data on several aspects like expenditure, crime records, court data, etc. to estimate current and future requirements of resources to help the court to dispose of the cases efficiently (DAKSH and CBGA 2018, 26).

It is important to highlight the fact that the district courts in India hear matters involving both central and state laws. In light of this fact, there is a need to estimate the costs incurred in dealing with matters involving the state governments and the Union government (DAKSH and CBGA 2018, 26). The research on this aspect needs to be done over a five-year period at the district court level.

As mentioned in the Memorandum to the 15th Finance Commission (DAKSH and CBGA 2018, 26), we advocate for the creation of a six-member team at each High Court in India that can set up robust budgeting practices. ***We estimate the cost of this initiative over the Sixteenth Finance Commission period to be Rs. 7.34 crores. (See Annexure E for more details)***

4.5 Pilot Projects

As proposed in the Memorandum to the 15th Finance Commission (DAKSH and CBGA 2018, 26), we suggest conducting pilot projects at the district or taluka level or even at the individual court level to help understand and evaluate the effects of the above reform suggestions. Conducting the pilot projects can help understand the effects of these reforms at a micro level, and how certain changes might be required to be tailored in each of the reform processes for each region to improve the performance of the courts. The effects evaluated at the micro level can be used to estimate their impact at a macro level (DAKSH and CBGA 2018, 26).

4.6 Transforming Tribunals

The Union and state governments have established various tribunals to leverage domain experts as adjudicators, flexible procedures, and alleviate the pressure on already over-burdened courts. Tribunals, especially at the Union government level e.g. NCLT, NCLAT, TDSAT, ITAT, CESTAT, GSTAT, and CGIT (see Annexure A), have the potential to improve the ease of doing business and investment lifecycle. However, their functioning has fallen short of expectations and suffers from the same shortcomings that regular courts do.

The Finance Commission could revitalise the tribunals by allocating funds for their transformation.

4.7 Creation of Single Source for Laws

Every citizen encounters the impact of some legislation or the other at some time in their lives. Hence the importance of disseminating information about laws cannot be understated. One of the basic elements of the rule of law is making laws available widely and ensuring that they are clear and certain. Access to laws is a significant component of access to justice. Accessing and disseminating laws in India will involve collating all the existing primary and subordinate legislations, ranging from municipal laws to central legislations (Sandhya P.R 2021, 9).

It is important to think about the mechanisms involved in making laws available to all citizens. There is a need for a single source for laws that will consolidate the various legislations across India and make them available for citizens and businesses in an easy-to-consume manner. In the Indian context, aggregating all laws in a digital format in one place will significantly improve clarity and access. Past attempts toward this objective, like India Code lack vision and are poorly implemented (Sandhya P.R 2021. 25-26). The single source for law must be a digital point of reference that is comprehensive, updated, authentic and reliable for the entire nation. This assumes even more importance in the age of AI where data sets are required to train AI models for law and justice, a sovereign function.

4.8 Revisiting court fees and imposition of costs regime

Court fees play a huge part in the adoption, feasibility, and sustainability of the court facilities. The Finance Commission should encourage courts and governments to revisit the court fees and the imposition of cost regime. The regime should ensure a balance of affordability and accessibility for litigants along with ensuring maintenance and continuous improvement of the physical and digital infrastructure of the courts and tribunals.

As per our estimations, the cost of conducting the initiatives (4.1) to (4.4) above, at any one location is Rs. 60.30 crores, and across the Supreme Court and 25 High Courts, it would total to around Rs. 1,600 crores.

Conclusion

In this paper, we have highlighted the vertical inequality in the contribution of the Union and the State governments towards the judiciary. The Union government depends on the subordinate judiciary to enforce the legislations of the Union government, and despite this, the Union government contributes only 6.5 percent of the proportion of the all-India judiciary budget. This is despite the fact that the states' share in the central divisible pool has been reducing consistently due to the increased surcharges and cesses.

We have also highlighted the horizontal disparities in the funding and prioritisation of judicial budgets by individual states. We have presented these inequalities in the context of various states' populations and case pendency per lakh population. This showed the inability of each state to increase their budget towards the judiciary in accordance with case burden (per lakh population). There are also inequalities persisting in budgetary allocation between various tiers of the judiciary, with subordinate courts getting much less than high courts.

Despite a large grant to the judiciary by the 15th Finance Commission, the funds largely remain unspent, as was the case with previous Finance Commission grants towards the judiciary. This is mainly due to the inefficient and outdated administrative procedures, and also due to the lack of capacity on the part of the judiciary to monitor the utilisation of funds. Therefore, there needs to be an emphasis by the 16th Finance Commission towards capacity building and quality of expenditure measures that can improve the law and justice system in the medium to long term.

In this paper, we have proposed several initiatives and policy recommendations to enhance the budgeting and resource allocation process in the judiciary. These initiatives aim to transform the judiciary through the introduction of a multidisciplinary research team to study and propose solutions for issues affecting judicial performance, introducing rigorous budgeting practices through a budgeting practices initiative team, the development of technological offices, and a dedicated secretariat to efficiently expedite the process of judicial appointments. These measures would require the employment of professionals with experience in fields such as budgeting, research, and technology. Additional reforms like the transformation of tribunals and reintroducing a single source of law, which is comprehensive and reliable, are also suggested in the paper as a means to improve the ease of doing business and investment lifecycle and strength of the rule of law in India.

The reforms suggested in this paper are aimed at addressing the perennial inefficiencies and disparities in the quality of the delivery of justice and the functioning of the judiciary. By introducing an in-depth, evidence-based, and research-based understanding of the judiciary's needs and performance, these suggestions aim at creating a more efficient and capable judicial system. The improved performance of the judiciary will enhance the credibility of the courts in India, which in turn improves the access to justice and the rule of law in India.

Enhanced access to justice also generates positive effects on a nation's social and economic development. Consequently, it is imperative for the judiciary and the Finance Commission to engage in dialogue on this critical topic.

ANNEXURE

Annexure A: Tribunals in India

Sl. No.	Tribunal	Jurisdiction	Geographical Presence
1	NCLT (National Company Law Tribunal)	The NCLT has jurisdiction over claims made against or by a company, including its branches across India, for mergers, amalgamations, acquisitions, winding up of a company, including oppression and mismanagement.	15 Benches spread across New Delhi, Allahabad, Ahmedabad, Hyderabad, Bengaluru, Chandigarh, Chennai, Cuttack, Guwahati, Jaipur, Kochi, Kolkata and Mumbai.
2	NCLAT (National Company Law Appellate Tribunal)	<ul style="list-style-type: none"> • Appeals against the orders of the National Company Law Tribunal (NCLT) • Appeals related to the Competition Commission of India (CCI) • Appeals related to the National Financial Reporting Authority • Appeals related to insolvency and bankruptcy 	New Delhi and Chennai
3	ITAT (Income Tax Appellate Tribunal)	Income Tax	30 benches- Agra, Ahmedabad, Allahabad, Amritsar, Bengaluru, Chandigarh, Chennai, Cochin, Cuttack, Dehradun, New Delhi, Guwahati, Hyderabad, Indore, Jabalpur, Jaipur, Jodhpur, Kolkata, Lucknow, Mumbai, Nagpur, Panaji, Patna, Pune, Raipur, Rajkot, Ranchi, Surat, Varanasi, Vishakapatnam
4	TDSAT (Telecom Disputes Settlement and Appellate Tribunal)	<p>The TDSAT has original and appellate jurisdiction over telecom matters, including disputes between service providers, consumers, and licensees. It also has original and appellate jurisdiction over broadcasting matters, including disputes over signal provision, channel pricing, and subscription charges.</p> <p>The TDSAT has appellate jurisdiction over cyber matters under the Information Technology Act, 2000.</p> <p>The TDSAT has original and appellate jurisdiction over airport tariff matters under the Airport Economic Regulatory Authority of India Act, 2008.</p> <p>The TDSAT has appellate jurisdiction over Aadhaar matters under the Aadhaar Act, 2016.</p>	New Delhi

5	CGIT (Central Government Industrial Tribunal)	Industry-Labour relations	22 benches, with Mumbai and Kolkata CGITs as National Tribunals
6	GSTAT (Goods and Services Tax Appellate Tribunal)	Disputes related to Goods and Services Tax	29 benches spread across almost all states.
7	CESTAT (Customs Excise and Service Tax Appellate Tribunal)	Customs Act, Central Excise Act, Finance Act, Customs Tariff Act,	Principal bench at New Delhi. The 8 regional Benches are at Mumbai, Kolkata, Chennai, Bangalore, Ahmedabad, Allahabad, Chandigarh and Hyderabad.
8	DRT (Debt Recovery Tribunal)	Recovery of secured debts by the banks (SARFAESI Act, 2002)	39 DRTs spread across almost all states.
9	Debts Recovery Appellate Tribunals (DRATs)	Appeals against the orders of DRT	5 DRATs located in Allahabad, Chennai, Delhi, Kolkata and Mumbai
10	Appellate Tribunal for Electricity (APTEL)	Appeals against decisions passed by Central and State Electricity Regulatory Commissions.	Principal bench at New Delhi and Circuit benches in Mumbai, Kolkata and Chennai.
11	Appellate Tribunal under Smugglers and Foreign Exchange Manipulators Act	Established for the forfeiture of illegally acquired properties of such persons under the ambit of the said acts.	One bench at New Delhi.
12	Securities Appellate Tribunal (SAT)	Appeals against Insurance regulatory and Development Authority of India (IRDAI), Pension Fund Regulatory and Development Authority (PFRDA) and the Securities and Exchanges Board of India (SEBI)	One bench at Mumbai.
13	National Green Tribunal (NGT)	Cases related to environmental protection, conservation of natural resources, and compensation to victims of pollution.	5 benches- Principal bench in New Delhi, and zonal benches in Bhopal, Kolkata, Chennai and Pune.

Annexure B: Cost and Resource Estimation for Reform and Research Offices

Note: The following team composition and other expenditure particulars are based on the plan proposed in the Memorandum to the 15th Finance Commission on Budgeting for the Judiciary in India (DAKSH and CBGA 2018, 29). The costs are calculated in accordance with present and projected Dearness Allowance, House Rental Allowance, and Transport Allowance levels. *Also to be noted is that the cost figures will change once the 8th Pay Commission (expected to be constituted soon) salary matrix is implemented.*

Establishing a Reform and Research Office would require:

1. A dedicated team of Judicial Officers, comprising:

- 1 Reform Office Head at the Joint Registrar Level Pay Band- 4 (Grade Pay- 37400-67000 & Level 13-A).
- 5 team members at the Deputy Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13).
- 10 Support team members at the Assistant Registrar Level/Deputy Controller of Accounts PB- 4 (Grade Pay- 15600-39100 & Level 12).

2. A six-member external technical support team comprising experts hired on consultancy contracts to advise and support the dedicated team. The external team would consist of the following:

a.1 Senior Expert and

b.1 Expert each in three areas of research and reform, including Organisational Development, Data Science and Behavioural Science. The team would receive a consolidated monthly consultancy fee of Rs.2 lakh per Senior Expert and Rs.1 lakh per Expert.

- We have referred to the Report of the Seventh Pay Commission (2015) for the pay matrix. We have also referred to the pay scale of the Supreme Court (Supreme Court of India, 2024) and Delhi High Court Officials (Delhi High Court, 2017) as the basis for the calculation.
- Dearness allowance has been projected for 2026-27 onwards in accordance with yearly increase till 01.07.2024 (53 % D.A). House Rental Allowance (30 %) has been calculated in accordance with the rate applicable for X city (population above 50 lakhs) as per the Compendium released by the Ministry of Finance and Department of Expenditure in Notification No. 2/4/2022-E.II B. (Rathod, 2024). Therefore, the ultimate fund requirement will be less than our estimated cost since most high courts are in Y city (Population of 5 to 50 lakh), where the House Rental Allowance is 20% presently.
- Cost estimates of the external team are based on market rates.

The anticipated cost of setting up one such office is reflected in the table given below.

Particulars	Resource Required	Unit cost per year (Rs)					Cost of resource over the 16th FC period (in crores)	Units	Total cost over 16th FC Period (In crores)
		2026-27	2027-28	2028-29	2029-30	2030-31			
At the Joint Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13-A)	Head	3488760	3698892	3920184	4150512	4390092	1.96	1	1.96
At the Deputy Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13)	Team	2995020	3178080	3363768	3560076	3764628	1.69	5	8.43
At the Assistant Registrar Level/ Deputy Controller of Accounts PB- 4 (Grade Pay- 15600-39100 & Level 12)	Support Team	1958400	2075616	2196288	2322972	2455884	1.1	10	11.01
For conducting our research and analysis toward reform	Operational costs (Research and analysis and capacity)								
	Data scientist (Rs. 200000 consolidated honorarium per month)	2400000	2640000	2904000	3194400	3513840	1.47	1	1.47
	Organisational development expert (Rs. 200000 consolidated honorarium per month)	2400000	2640000	2904000	3194400	3513840	1.47	1	1.47
	Behavioural scientist (Rs. 200000 consolidated honorarium per month)	2400000	2640000	2904000	3194400	3513840	1.47	1	1.47
	Team consisting of 3 members with Rs. 100000 as consolidated salary per month	1200000	1320000	1452000	1597200	1756920	0.73	3	2.2
Capital expenditure	Laptops and related equipment & services, costing Rs. 1,00,000 per head	100000					0.01	22	0.22
	Furniture and related infrastructure, costing Rs. 50,000 per head	50000					0.01	22	0.11
	Rent cost	Not being included in the calculation (Office to be kept within the high court complex)					0		0
Travel etc.	Admin costs	2930000	3223000	3545300	3899830	4289813	1.79	1	1.79
	Total cost								30.12

Annexure C: Cost and Resource Estimation for Secretariat for Judicial Appointments

Note: The following team composition and other expenditure particulars are based on the plan proposed in the Memorandum to the 15th Finance Commission on Budgeting for the Judiciary in India (DAKSH and CBGA 2018, 32). The costs are calculated in accordance with present and projected Dearness Allowance and House Rental Allowance Transport Allowance levels. *Also to be noted is that the cost figures will change once the 8th Pay Commission (expected to be constituted soon) salary matrix is implemented.*

The proposed Secretariat will comprise:

1. 1 Head at the Joint Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13-A).
2. 3 Senior Team Members the Deputy Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13).
3. 5-member Support Team the Assistant Registrar Level/ Deputy Controller of Accounts PB- 4 (Grade Pay- 15600-39100 & Level 12)

The above team may be allowed to consult human resource specialists whenever required in order to improve the quality and strategy of the selection process. The expenditure on technical support can be sourced from the heading 'operational cost' (DAKSH and CBGA 2018, 32).

The anticipated cost of setting up one such secretariat is reflected in the table given below-

Particulars	Resource Required	Unit cost per year (Rs)					Cost of resource over the 16th FC period (in crores)	Units	Total cost over 16th FC Period (In crores)
		2026-27	2027-28	2028-29	2029-30	2030-31			
At the Joint Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13-A)	Head	3488760	3698892	3920184	4150512	4390092	1.96	1	1.96
At the Deputy Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13)	Team	2995020	3178080	3363768	3560076	3764628	1.69	3	5.06
At the Assistant Registrar Level/ Deputy Controller of Accounts PB- 4 (Grade Pay - 15600-39100 & Level 12)	Support Team	1958400	2075616	2196288	2322972	2455884	1.10	5	5.50
Recruitment processes, vetting of candidates for appointment, handling complaints, and technical input	Operational costs (Research and analysis and capacity)	4000000	4400000	4840000	5324000	5856400	2.44	1	2.44
Laptops and office equipment	Capex (Rs 1,00,000 per head)	900000					0.09	1	0.09
	Office furniture and infra related infra (Rs. 80,000 per head)	720000					0.07	1	0.07
Travel etc.	Admin cost	300000	330000	363000	399300	439230	0.18	1	0.18
	Total cost								15.32

Annexure D: Cost and Resource Estimation for Technology Offices

Note: The following team composition is based on the plan proposed in the Memorandum to the 15th Finance Commission on Budgeting for the Judiciary in India (DAKSH and CBGA 2018, 33). The costs are calculated in accordance with present and projected Dearness Allowance, House Rental Allowance, and Transport Allowance levels. *Also to be noted is that the cost figures will change once the 8th Pay Commission (expected to be constituted soon) salary matrix is implemented.*

This initiative comprises:

1. 1 Joint Registrar at PB- 4 level (Grade Pay- 37400-67000 & Level 13-A) as Head and
2. 2 IT Specialists at the level of Deputy Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13).

The IT specialists can either be recruited regularly or can be hired on contract.

The anticipated cost of setting up one such secretariat is reflected in the table given below -

Particulars	Resource Required	Unit cost per year (Rs)					Cost of resource over the 16th FC period (in crores)	Units	Total cost over 16th FC Period (In crores)
		2026-27	2027-28	2028-29	2029-30	2030-31			
At the Joint Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13-A)	Head	3488760	3698892	3920184	4150512	4390092	1.96	1	1.96
At the Deputy Registrar Level PB- 4 (Grade Pay- 37400-67000 & Level 13)	IT Specialists	2995020	3178080	3363768	3560076	3764628	1.69	2	3.37
For technology, communication and capacity initiatives	Operational costs (Research and analysis and capacity)	3200000	3520000	3872000	4259200	4685120	1.95	1	1.95
	Capex laptops, etc (RS 1,00,000 per head)	300000					0.03	1	0.03
	Office furniture and infra related infra (Rs. 80,000 per head)	240000					0.02	1	0.02
	Rental cost of office	Not being included in the calculation (Office to be kept within the high court complex)							
Travel etc.	Admin cost	300000	330000	363000	399300	439230	0.18	1	0.18
	Total cost								7.53

Annexure E: Cost and Resource Estimation for the Budgeting Practices Initiative

Note: The following team composition is based on the plan proposed in the Memorandum to the 15th Finance Commission on Budgeting for the Judiciary in India (DAKSH and CBGA 2018, 34). The costs are calculated in accordance with present and projected Dearness Allowance, House Rental Allowance, and Transport Allowance levels. *Also to be noted is that the cost figures will change once the 8th Pay Commission (expected to be constituted soon) salary matrix is implemented.*

The Budgeting Practices Initiative team will comprise:

1. Research Coordinator at the level of Administrative officer (Judicial) PB-3 (Grade pay 15600-39100 & Level 11).
2. Senior Research Officers at the level of court officer/Reader/Sr. PA PB- 2 (Grade Pay- 9300-34800 & Level 9) and
3. 3 Research Associates at the level of Asst Lib/ Judicial Asst./ PA PB-2 (Grade pay- 9300- 34800 and level 6).

The team mentioned above may be allowed to consult organisations that have expertise and specialisation in research focussed on government budgets. This can enable a holistic improvement on budgeting practices by learning from the best practices around the country and the world (DAKSH and CBGA 2018, 34).

Particulars	Resource Required	Unit cost per year (Rs)					Cost of resource over the 16th FC period (in crores)	Units	Total cost over 16th FC Period (In crores)
		2026-27	2027-28	2028-29	2029-30	2030-31			
At the level of Administrative officer (Judicial) PB-3 (Grade pay 15600-39100 & Level 11)	Research Coordinator	1698660	1798236	1903176	2013696	127384	0.95	1	0.95
At the level of court officer/Reader/Sr. PA PB- 2 (Grade Pay- 9300-34800 & Level 9)	Sr. Research Officer	1357020	1436436	1518156	1604736	1693764	0.76	2	1.52
At the level of Asst Lib/ Judicial Asst./ PA PB-2 (Grade pay- 9300- 34800 and level 6)	Research Associates	899640	954252	1010448	1068228	1130220	0.51	3	1.53
	Capacity building and Research Support from external specialists	5000000	5500000	6050000	6655000	7320500	3.05	1	3.05
	Capex Laptops, etc (Rs 1,00,000 per head)	600000					0.06	1	0.06
	Office furniture and infra related infra (Rs. 80,000 per head)	480000					0.05	1	0.05
	Rental cost of office	Not being included in the calculation (Office to be kept within the high court complex)							
Travel etc.	Admin cost	300000	330000	363000	399300	439230	0.18	1	0.18
	Total cost								7.34

Annexure F: Data Sources

Table/ Figure	Data Sources
Table 1	Lok Sabha Secretariat. 2024. "Unstarred Question No. 1354, Annexure." Accessed August 16, 2024. https://sansad.in/getFile/loksabhaquestions/annex/1715/AU1354.pdf?source=pqals .
Figure 1 and Figure 2	Centre for Research and Planning, Supreme Court of India. November 2023. "State of the Judiciary Report." Accessed July 15, 2024. https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/misc/state_of_the_judiciary.pdf .
Figure 3	<p>Government of Andhra Pradesh. 2024. "Budget 2024-25, Volume I." Accessed August 25, 2024. https://apfinance.gov.in/...Bud@et24-25/documents/Volume-I-1.pdf.</p> <p>Government of Bihar. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://state.bihar.gov.in/finance/cache/12/Budget/Budget/2.%20ANNUAL%20FINANCIAL%20STATEMENT%20(2024-25).pdf.</p> <p>Government of Delhi. 2024. "Budget 2024-25." Accessed August 25, 2024. https://delhiplanning.delhi.gov.in/planning/2024-25.</p> <p>Government of Gujarat. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://financedepartment.gujarat.gov.in/Documents/Bud-Guj_1305_2024-2-2_783.pdf.</p> <p>Government of Himachal Pradesh. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://ebudget.hp.nic.in/ReportViewer.aspx?rep=zXuluaRsDul=.</p> <p>Government of Jammu & Kashmir. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://www.jakfinance.nic.in/budget/budget24252/Annual%20Financial%20Statement%202024-2025%20(J&K%20Regular%20Budget).pdf.</p> <p>Government of Jharkhand. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://finance.jharkhand.gov.in/ebook2024/AnnualFinancialStatement.html#page/10.</p> <p>Government of Karnataka. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://finance.karnataka.gov.in/storage/pdf-files/3_AFS2024-25.pdf.</p> <p>Government of Kerala. 2024. "Budget Documents 2024-25." Accessed August 25, 2024. https://finance.kerala.gov.in/bdgtDcs.jsp.</p> <p>Government of Madhya Pradesh. 2024. "Budget Volume 1, 2024-25." Accessed August 25, 2024. https://finance.mp.gov.in/uploads/budget/Budget_Volume-1-2024-25.pdf.</p> <p>Government of Maharashtra. 2024. "Kosh Wahini - Maharashtra Budget Portal." Accessed August 25, 2024. https://koshwahini.mahakosh.gov.in/kosh/kosh/.</p> <p>Government of Odisha. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://finance.odisha.gov.in/sites/default/files/2024-02/4.%20VoA%20AFS%202024-25.pdf.</p> <p>Government of Punjab. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://finance.punjab.gov.in/uploads/05Mar2024/AFS_Budget_Book.pdf.</p> <p>Government of Rajasthan. 2024. "State Budget 2024-25 (Modified Budget), Volume 1." Accessed August 25, 2024. https://finance.rajasthan.gov.in/docs/budget/statebudget/2024-2025%20(Modified%20Budget)/Vol1.pdf.</p>

Figure 3	<p>Government of Tamil Nadu. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://www.tnbudget.tn.gov.in/tnweb_files/demands/61%20Annual_Financial_statements.pdf.</p> <p>Government of Telangana. 2024. "Budget 2024-25, Volume I." Accessed August 25, 2024. https://finance.telangana.gov.in/PreviewPage.do?filePath=budget-2024-25-books&fileName=Volume-I-1.pdf.</p> <p>Government of West Bengal. 2024. "Budget Publication 2024-25." Accessed August 25, 2024. https://finance.wb.gov.in/writereaddata/Budget_Publication/2024_bp1-1.pdf.</p> <p>Government of Uttar Pradesh. 2024. "Annual Financial Statement 2024-25." Accessed August 25, 2024. https://budget.up.nic.in/khand2part1/khand2part1_2024_2025.pdf.</p>
Figure 4	<p>In addition to data sources for Figure 3-</p> <p>Government of Odisha. 2024. "Annual Financial Statement 2024-25." Accessed September 02, 2024. https://cdnbbsr.s3waas.gov.in/s386e78499eeb33fb9cac16b7555b50767/uploads/2024/02/202402231505694678.pdf.</p> <p>Government of Uttarakhand. 2024. "Budget 2024-25." Accessed September 02, 2024. https://budget.uk.gov.in/pages/display/135-budget-2024-25.</p> <p>Government of Sikkim. 2024. "Demand for Grants 2024-25: Judiciary." Accessed September 02, 2024. http://www.sikkimfred.gov.in/Budget_2024-25/Documents/DemandForGrants2024-25/pdf/25.%20Judiciary.pdf.</p> <p>Government of Chhattisgarh. 2024. "Demand for Grants: Law & Legislative Affairs Department 2024-25." Accessed September 02, 2024. https://openbudgetsindia.org/dataset/30da3a47-ad14-4e58-89ea-63dd43f08bc5/resource/e57aa494-92be-4017-ba3a-20658ce73162/download/chhattisgarh-budget-2023-24-demand-for-grants-law--legislative-affairs-department-book.pdf.</p> <p>Government of Assam. 2024. "Annual Financial Statement 2024-25." Accessed September 02, 2024. https://finance.assam.gov.in/sites/default/files/swf_utility_folder/departments/agriculture_com_oid_2/menu/document/2.afs_0.pdf.</p> <p>Government of Arunachal Pradesh. 2024. "Demand No. 08, 2024-25." Accessed September 02, 2024. https://www.arunachalbudget.in/docs/demand-08-2024-c.pdf.</p> <p>Government of Nagaland. 2024. "Annual Financial Statement 2024-25." Accessed September 02, 2024. https://finance.nagaland.gov.in/subpageframe.aspx?val=1039.</p> <p>Government of Manipur. 2024. "Annual Financial Statement 2024-25." Accessed September 02, 2024. https://ebudgetmanipur.mn.gov.in/view/2024-2025/EB_2024-2025_124.pdf.</p> <p>Government of Mizoram. 2024. "Annual Financial Statement 2024-25." Accessed September 02, 2024. https://finance.mizoram.gov.in/uploads/attachments/2024/03/c4fc60f7f014b5d611d7c97b82d3f981/posts-107-annual-financial-statement-2024-25.pdf.</p> <p>Government of Tripura. 2024. "Annual Financial Statement 2024-25." Accessed September 02, 2024. https://finance.tripura.gov.in/sites/default/files/Annual%20Financial%20Statement%202024-25_0.pdf.</p> <p>Government of Meghalaya. 2024. "Annual Financial Statement 2024-25." Accessed September 02, 2024. https://megfinance.gov.in/budget_documents/2024-2025/general/04.pdf.</p>
Figure 5	<p><u>For population estimates-</u> National Commission on Population, Ministry of Health and Family Welfare, Government of India. 2019. "Report of the Technical Group on Population Projections 2019." Accessed September 10, 2024. https://nhm.gov.in/New_Updates_2018/Report_Population_Projection_2019.pdf.</p> <p><u>For the number of cases-</u> National Judicial Data Grid. 2024. "District Court NJDG Dashboard." Accessed September 10, 2024. https://njdg.ecourts.gov.in/njdg_v3/.</p>

Figure 6	<p><u>For annual financial statements</u>, refer to the data sources of Figure 4</p> <p><u>For the number of cases</u>- National Judicial Data Grid. 2024. "District Court NJDG Dashboard." Accessed September 10, 2024. https://njdg.ecourts.gov.in/njdg_v3/.</p>
Figure 7	<p><u>For annual financial statements</u>- Refer to the data sources of figure 4</p> <p><u>For population estimates</u> - National Commission on Population, Ministry of Health and Family Welfare, Government of India. 2019. "Report of the Technical Group on Population Projections 2019." Accessed September 10, 2024. https://nhm.gov.in/New_Updates_2018/Report_Population_Projection_2019.pdf.</p>
Figure 8	<p>Government of Karnataka. 2021. "Budget Volume 1, 2021-22." Accessed September 12, 2024. https://finance.karnataka.gov.in/storage/pdf-files/07-Volume-01-2021-22.pdf.</p> <p>Government of Karnataka. 2022. "Budget Volume 1, 2022-23." Accessed September 12, 2024. https://finance.karnataka.gov.in/storage/pdf-files/VOLUME-1.pdf.</p> <p>Government of Karnataka. 2023. "Budget Volume 1, 2023-24." Accessed September 12, 2024. https://finance.karnataka.gov.in/storage/pdf-files/6_ExpVol-1JULY2023-24.pdf.</p> <p>Government of Karnataka. 2024. "Budget Volume 1, 2024-25." Accessed September 12, 2024. https://finance.karnataka.gov.in/storage/pdf-files/7_ExpenditureVolume-1.pdf.</p> <p>Government of Rajasthan. 2021. "Budget Volume 2B, 2021-22." Accessed October 17, 2024. https://finance.rajasthan.gov.in/docs/budget/statebudget/2021-2022/vol2b.pdf.</p> <p>Government of Rajasthan. 2022. "Budget Volume 2B, 2022-23." Accessed October 17, 2024. https://finance.rajasthan.gov.in/docs/budget/statebudget/2022-2023/Vol2b.pdf.</p> <p>Government of Rajasthan. 2023. "Budget Volume 2B, 2023-24." Accessed October 17, 2024. https://finance.rajasthan.gov.in/docs/budget/statebudget/2023-2024/vol2b.pdf.</p> <p>Government of Rajasthan. 2024. "Budget Volume 2B, 2024-25 (Modified Budget)." Accessed October 17, 2024. https://finance.rajasthan.gov.in/docs/budget/statebudget/2024-2025%20(Modified%20Budget)/Vol2b.pdf.</p> <p>Government of Uttar Pradesh. 2021. "Expenditure Statement, Law Department, 2021-22." Accessed October 17, 2024. https://openbudgetsindia.org/dataset/up-expenditure-law-department-2021-22.</p> <p>Government of Uttar Pradesh. 2022. "Budget Estimate, Justice Department, 2022-23." Accessed October 17, 2024. https://openbudgetsindia.org/dataset/uttar-pradesh-budget-2022-23-budget-estimate-justice-department.</p> <p>Government of Uttar Pradesh. 2023. "Budget Estimate, Justice Department, 2023-24." Accessed October 17, 2024. https://openbudgetsindia.org/dataset/bc8c125f-8ede-4702-891c-e6dda268a4ca/resource/a1957ed8-1ee7-49d9-b0cf-9b92c8834851/download/uttar-pradesh-budget-2023-24-budget-estimate---justice-department.pdf.</p> <p>Government of Uttar Pradesh. 2024. "Budget Estimate, Justice Department, 2024-25." Accessed October 17, 2024. https://openbudgetsindia.org/dataset/54867997-807a-4176-bdeb-4faab440e5b1/resource/65c76186-843b-433d-ab9b-3c2f063697bc/download/uttar-pradesh-budget-2024-25-department-of-justice.pdf.</p> <p>Government of Gujarat. 2021. "Budget Document, 2021-22." Accessed October 18, 2024. https://financedepartment.gujarat.gov.in/Documents/Bud-Guj_1037_2021-3-3_815.pdf.</p> <p>Government of Gujarat. 2022. "Budget Document, 2022-23." Accessed October 18, 2024. https://financedepartment.gujarat.gov.in/Documents/Bud-Guj_1123_2022-3-3_867.pdf.</p> <p>Government of Gujarat. 2023. "Budget Document, 2023-24." Accessed October 18, 2024. https://financedepartment.gujarat.gov.in/Documents/Bud-Guj_1253_2023-2-24_196.pdf.</p> <p>Government of Gujarat. 2024. "Budget Document, 2024-25." Accessed October 18, 2024. https://financedepartment.gujarat.gov.in/Documents/Bud-Guj_1320_2024-2-2_32.pdf.</p>

Figure 8	<p>Government of Jharkhand. 2021. "Detailed Demand for Grants, Law Department, 2021-22." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/jharkhand-detailed-demand-for-grants-law-department-2021-22.</p> <p>Government of Jharkhand. 2022. "Demands for Grants, Law Department, 2022-23." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/jharkhand-demands-for-grants-law-department-2022-23/resource/59bc91dd-3ba4-45d0-aff8-bc7ff5d2460d.</p> <p>Government of Jharkhand. 2023. "Demands for Grants, Law Department, 2023-24." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/jharkhand-budget-2023-24-law-department/resource/c1fef743-39e5-4cd9-b2f7-521c60399b1f.</p> <p>Government of Jharkhand. 2024. "Budget Document, Law Department, 2024-25." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/jharkhand-budget-2024-25-law-department/resource/9525b987-bdb1-458c-b295-a8e6e403b49a.</p> <p>Government of Kerala. 2021. "Demand for Grants, Volume I, 2021-22." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/kerala-demand-for-grants-volume-i-2021-22/resource/757b9a59-a46e-48c7-bea5-075588caaf74.</p> <p>Government of Kerala. 2022. "Demand for Grants, Volume I, 2022-23." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/kerala-demand-for-grants-volume-i-2022-23/resource/0eea95a8-8a8d-4a1f-997a-d57376bbc798.</p> <p>Government of Kerala. 2023. "Budget Document, Demand for Grants, Volume I, 2023-24." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/kerala-budget-2023-24-demand-for-grants-volume-i/resource/4f63fbf5-732d-4574-bd82-575c4fadf0e3.</p> <p>Government of Kerala. 2024. "Budget Document, Demand for Grants, Volume I, 2024-25." Accessed October 18, 2024. https://openbudgetsindia.org/dataset/kerala-budget-2024-25-demand-for-grants-volume-i/resource/874f0c6d-8e49-41a2-b0d1-5936e6cbd459.</p>
Table 2	<p>See data sources for figure 8- Look at the Budget of each state for the year 2024-25</p> <p>For Union Budget 2024-25- Government of India. 2024. "Annual Financial Statement." Accessed August 10, 2024. https://www.indiabudget.gov.in/doc/AFS/allafs.pdf.</p>
Figure 9	See data sources for figure 3 for state budgets; and Report of the Technical Group on Population Projections 2019 mentioned in data sources for figure 5 for population estimates.
Figure 10	For number of cases: See the data source from NJDG DCI (mentioned in data sources for figure 5); and for state budgets refer to data sources mentioned in figure 3.
Figure 11	<p>Cases in High Court- National Judicial Data Grid. 2024. "High Court NJDG Dashboard." Accessed October 01, 2024. https://njdg.ecourts.gov.in/hcnjdg_v2/?app_token=.</p> <p>For population estimates- Report of the Technical Group on Population Projections 2019 mentioned in data sources for figure 5.</p>

Figure 12	<p>Cases in subordinate courts- Refer to the source on NJDG for the District Courts mentioned in figure 5.</p> <p>For population estimates, the Report of the Technical Group on Population Projections 2019 is mentioned in the data sources in Figure 5.</p>
Figure 13	See the data sources for detailed departmental grants for each state for F.Y. 2024-25 mentioned under the data sources for figure 8.
Figure 14	See the data sources for detailed departmental grants for each state for F.Y. 2022-23, 2023-24 and 2024-25 mentioned under data sources for figure 8.
Figure 15	See the data sources for detailed departmental grants for each state for F.Y. 2022-23, 2023-24 and 2024-25 mentioned under data sources for figure 8.
Figure 16	<p>For expenditure on subordinate courts- See the data sources for detailed budget estimate for each state for F.Y. 2024-25 mentioned under data sources for figure 8.</p> <p>For data on number of courts- Go to 'Information Management section' of NJDG for District Courts and then go to 'Court Judge Report' section- (National Judicial Data Grid. 2024. "District Court NJDG Dashboard." Accessed September 10, 2024. https://njdg.ecourts.gov.in/njdg_v3/.)</p>
Figure 17	<p>For expenditure data on subordinate courts and high courts- See the data sources for detailed budget estimate for each state for F.Y. 2024-25 mentioned under the data sources for figure 8.</p> <p>For data on number of judges- Go to 'Information Management section' of NJDG for District Courts and then go to 'Court Judge Report' section- (National Judicial Data Grid. 2024. "District Court NJDG Dashboard." Accessed September 10, 2024. https://njdg.ecourts.gov.in/njdg_v3/.)</p>
Figure 18	<p>For data on the number of cases in subordinate courts- refer to the data source on the NJDG data on the District Courts from the data sources for figure 5.</p> <p>For data on the number of cases in the high court- refer to the data source on the NJDG data on the District Courts from the data sources for figure 5. For the number of judges in high courts and subordinate courts- Refer to the data source mentioned in table 1.</p>
Figure 19	See the data sources for the detailed budget estimate for each state for F.Y. 2023-24 and 2024-25 mentioned under the data sources for figure 8.

REFERENCES

- Ahamed, S., & Biswas, A. "Fast-Track Courts: Justice on the Clock." The Hindu. 2024. Accessed October 10, 2024. <https://www.thehindu.com/data/fast-track-courts-justice-on-the-clock/article68670417.ece>.
- Comptroller and Auditor General of India. 2017. "Report of the Comptroller and Auditor General of India on General and Social Sector for the year ended March 2016- Government of Kerala." New Delhi: CAG.
- . 2024. "Audit Reports." Comptroller and Auditor General of India. Accessed November 12, 2024. https://cag.gov.in/en/audit-report?report_type=54.
- Centre for Research and Planning, Supreme Court of India. 2023. "State of the Judiciary Report." Accessed July 15, 2024. https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/misc/state_of_the_judiciary.pdf.
- DAKSH and CBGA. 2018. "Memorandum to the Fifteenth Finance Commission on Budgeting for the Judiciary in India." Bengaluru: DAKSH and CBGA.
- Delhi High Court. 2017. "RTI Document." Accessed November 16, 2024. https://www.delhihighcourt.nic.in/uploads/RTI/RTIFile_IA4LXLVN.PDF.
- Department of Justice. 2015. "Memorandum of the Department of Justice." New Delhi: Ministry of Law and Justice, Gol.
- . 2024. "Additional Fast Track Special Courts." Lok Sabha Unstarred Question No. 1364. New Delhi: Lok Sabha Secretariat, 02 09.
- . 2025. "Fast Track Special Courts (FTSCs)." January 21. Accessed January 30, 2025. <https://doj.gov.in/fast-track-special-court-ftscs/>.
- Durani, A., Kumar, R. K., & Sinha, N. 2017. "Judicial Budgets: From Financial Outlays to Time-bound." In DAKSH, *Approaches to Justice in India: A Report by DAKSH* (pp.225-234). Bengaluru: EBC Publishing Pvt. Ltd.
- Fifteenth Finance Commission. 2020. "Finance Commission in COVID Times: Report for 2021-26." New Delhi: Government of India.
- . 2024. Historical Perspective. Government of India. Accessed July 20, 2024. <https://fincomindia.nic.in/historical-perspective>.
- Government of India. 2018. Economic Survey 2017-18, Volume 1, "Chapter 9: Ease of Doing Business' Next Frontier: Timely Justice." New Delhi: Ministry of Finance, 2018. Accessed July 25, 2024. https://www.indiabudget.gov.in/budget2018-2019/economicsurvey2017-2018/pdf/131-144_Chapter_09_ENGLISH_Vol%2001_2017-18.pdf.
- IAN. 2023. "Cess, Surcharge Collections Increase by 133% Between FY18 and FY23." March 7, 2023. Accessed November 2, 2024. https://www.business-standard.com/article/economy-policy/cess-surcharge-collections-increase-by-133-between-fy-18-and-fy-23-123030700914_1.html.
- IJR. 2024. "India Spends Only 0.08% of GDP on Judiciary, Crippling Reforms." Accessed October 18, 2024. <https://www.indiaspend.com/india-spends-only-0-08-of-gdp-on-judiciary-crippling-reforms/>.

Jain, C., Jain, T., & Tripathy, S. 2019. "Back to Basics: A Call for Better Planning in the Judiciary." New Delhi: Vidhi Centre for Legal Policy.

Lok Sabha. 2024. "Unstarred Question No. 866. Government of India." Accessed November 9, 2024. https://sansad.in/getFile/loksabhaquestions/annex/182/AU866_xGnsKE.pdf?source=pqals.

Ministry of Law and Justice. 2024. "e-Courts Phase-III aims to usher in a regime of maximum ease of justice by moving towards digital, online and paperless courts through digitization of entire court records: eCOURTS PROJECT PHASE III." August 01. Accessed October 10, 2024. <https://pib.gov.in/PressReleasePage.aspx?PRID=2040232>.

National Case Management Systems Committee. 2012. "National Court Management System: Policy and Action Plan." New Delhi: Supreme Court of India.

—.2016. "NCMS Baseline Report on Court Development Planning System (Infrastructure and Budgeting)." New Delhi: NCMS, SC.

National Commission on Population, Ministry of Health and Family Welfare, Government of India. 2019. "Report of the Technical Group on Population Projections 2019." Accessed September 10, 2024. https://nhm.gov.in/New_Updates_2018/Report_Population_Projection_2019.pdf.

Pavithra K. M. 2024. "As Share of Cesses & Surcharges in GOI's Gross Tax Revenues Increases, Under-Utilization & States Losing Out Are Cause for Concern." Accessed October 19, 2024. <https://factly.in/data-as-share-of-cesses-surcharges-in-gois-gross-tax-revenues-increases-under-utilization-states-losing-out-are-cause-for-concerns/>.

Rathod, A. 2024. "Calculation of Salary Under 7th Central Pay Commission (7th Pay Matrix)." Accessed November 05, 2024. <https://bhattandjoshiassociates.com/calculation-of-salary-under-7th-central-pay-commission/>

Sandhya P.R. 2021. "Single Source for Laws. Whitepaper series on Next Generation Justice Platform, Paper 5." Bengaluru: DAKSH, January 2021.

SIXTEENTH FINANCE COMMISSION OF INDIA. 2024. "Distribution of Revenues between the Union and the States." Accessed July 16, 2024. <https://fincomindia.nic.in/constitutional-provisions>.

—. 2024. "Finance Commissions – A Historical Perspective." Accessed July 16, 2024. Finance Commissions – A Historical Perspective.

Supreme Court of India. 2024. "Pay Scales". Accessed November 16, 2024. <https://www.sci.gov.in/pay-scales/>

Venkatraman, Janane. 2018. "The Hindu explains: why the 15th Finance Commission has riled some States." Accessed September 15, 2024. <https://www.thehindu.com/news/national/the-hindu-explains-why-the-15th-finance-commission-has-some-states-riled/article23384141.ece>.






World Bank. 2024. "Expenditure on Law Courts, Percent of GDP." World Bank Group | ProsperityData360. Accessed October 28, 2024. https://prosperitydata360.worldbank.org/en/indicator/IMF+GFSCFOG+GEPL_G14_GDP_PT.



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