

SIKKIM



GOVERNMENT

GAZETTE

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GOVERNMENT OF SIKKIM
HOME DEPARTMENT
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Dated: 30/04/2026

NOTIFICATION

Whereas, the State Government had earlier notified State Level Sanctioning Committee (SLSC) vide Notification No. 80/Home/2020 dated: 07/12/2020 to avail of the flexi-fund facility within Centrally Sponsored Schemes (CSS) on the lines of Rashtriya Krishi Vikash Yojana (RKVY);

And whereas, Ministry of Law & Justice has now revised the Guidelines vide letter No. J-11017/01/2017-JR/efile 4175 or 2314 dated: 19.08.2021;

Now therefore, in accordance with the directives of Government of India, the State Government has deemed it expedient to reconstitute a **State Level Sanctioning Committee (SLSC)** for the purpose of facilitating Flexi Fund under the Centrally Sponsored Scheme (CSS) for development of infrastructure facilities for Judiciary constituting the following members, as under :-

1.	Chief Secretary.	Chairman
2.	Registrar General, High Court of Sikkim.	Member
3.	Secretary, Home Department.	Member
4.	Secretary, Finance Department, Government of Sikkim.	Member
5.	Secretary, Planning & Development Department, Government of Sikkim.	Member
6.	PCE-cum-Secretary, Buildings and Housing Department, Government of Sikkim.	Members
7.	Deputy Secretary, Department of Justice, Ministry of Law and Justice, Government of India.	Member
8.	LR-cum-Secretary, Law and Parliamentary Affairs Department, Government of Sikkim.	Member Secretary

The flexi fund will be sanctioned in accordance with guidelines of the scheme at **Annexure-I**.

By order and in the name of the Governor.

R. Telang, IAS
Chief Secretary
Government of Sikkim

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A. Objectives of the Scheme

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

B. Coverage of the Scheme

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

C. Fund Sharing Pattern under the Scheme

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

D. Conditions for release of grants to the States/UTs under the Scheme

1. The allocation of funds to the States/UTs depends upon overall availability of funds with the Central Government under the Scheme as per budgetary allocation and with the understanding that the States have made adequate provision in their State Budget for meeting their prescribed State Share. The funds will be released to the State Governments/UTs in two installments during a financial year. State Governments/UTs will raise demand/request for funds under the Scheme. The States/UTs are required to mandatorily comply with the following requirements for release of grants:-
 - a. Demand/request for grant should be based on the Action Plan developed for construction of court buildings with digital computer rooms, lawyers halls, toilet complexes and residential accommodations for Judicial Officers of District and Subordinate Courts. The Action Plan should include the name of the project and location of the project for which the CSS funds are to be utilized.
 - b. It has to be ensured by the States/UT's that the aforesaid projects proposed to be taken up by them are disabled friendly and meet the requisite norms/accessibility standards as laid down by CPWD/ Department of Empowerment of Persons with Disabilities, Ministry of Social Justice & Empowerment, from time to time.

- c. The States should/UTs should plan their projects having regard to Covid 19 guidelines, and make appropriate provisions for social distancing, provision for holding meetings/sittings through Video conferencing.
- d. The Disaster Management Action Plan has to be in place for all the buildings, as per norms notified by the Government from time to time.
- e. It has to be ensured that all prescribed norms for making these structures disaster compliant have been adopted by the States/UTs.
- f. Submission of Utilisation Certificate for previous grants released to the States/UTs, along with utilization of prescribed State Share.
- g. Timelines (start date and end date) of the construction projects to be clearly indicated by the State and adhered by all implementing agencies.
- h. Release of funds to be done only after land is available, all clearances are in place and a certificate to this effect is provided by the State.
- i. The projects (completed, under construction and proposed) are geo-tagged on Nyaya Vikas 2.0 portal by the 5th day of every month.
- j. No court halls/residential units will be sanctioned to any State beyond the working strength of Judicial Officers (JOs).
- k. Sanctioning of new projects to States will be linked to the performance of the State/ UT in completion of previous projects.
- l. The States/UTs should clearly indicate whether the Central and corresponding State share funds has been utilized for a new project ongoing new construction project or an ongoing project involving renovation/modernization of old/dilapidated structures.
- m. The projects should be executed as per Scheme guidelines, approved Action Plan and specifications. Execution of project works should be economical, efficient and timely.
- n. It should be ensured that non permissible works under the CSS are not taken up and there is no diversion of funds e.g. for purchase of land, hiring/purchase of vehicles etc.
- o. State level and Centre level Monitoring Committee will ensure timely completion of these projects. Status of all projects (including time & cost overrun of projects) will also be put before both the Monitoring Committees.
- p. Release of funds will be made incumbent upon completely updated State data on Nyaya Vikas Portal. The data may be updated by the 5th day of every month.
- q. Only the Nyaya Vikas Portal data will be used for State and Centre level Monitoring Committee.
- r. Maintenance and upgradation expenses of infrastructure will not be covered under the scheme.
- s. Adoption of the new PFMS system and designation of a single nodal agency (SNA) for implementing each CSS in terms of Department of Expenditure's OM no. 1(13)PFMS/FCD/2020 has to be ensured.

2. In addition to the above, the following weight-age criteria will be considered for allocation of funds to the States/UTs under the Scheme in order to ensure scientific and criteria based distribution of funds amongst States:

Sl. No.	Criteria/Parameter	Weightage (in %)
1.	Number of Court Halls left for construction with reference to the sanctioned strength of Judicial Officers in the State/UT	40%
2.	Number of Residential Units left for construction with reference to the sanctioned strength of Judicial Officers in the State/UT	40%
3.	Working strength of Judicial Officers with reference to the sanctioned strength of Judicial Officers in the State/UT	10%
4.	Pendency of 10 years and more old cases in subordinate judiciary	10%
	Total	100%
The formula for calculating yearly State Share based on the above parameters has been added as Annexure 1 .		
Though calculation as per above parameter will be done w.r.t. the sanctioned strength, but no court halls/residential units will be sanctioned to any State beyond the working strength of Judicial Officers (JOs).		

3. Purpose: The first two parameters no 1 and 2 identified above are the two components of infrastructure covered under the scheme, namely required number of court halls and residential units in a State. Therefore, these two parameters have been provided more weight-age. Upon calculation if the weightage in these two parameters comes to 'zero' then the remaining parameters will not be considered, since the State/UT would have saturated the number of court halls and residential units to the level of sanctioned strength of Judicial Officers in the State/UT.
4. Parameter No 3 relating to working strength of Judicial Officers with reference to the sanctioned strength of Judicial Officers in the State/UT will be considered as an incentive and carries 10% weight-age for those States who fill up vacancies faster. Parameter no 4 which deals with pendency of 10 years or more old cases in subordinate judiciary has another 10% weight-age and States having lower number of such cases will be considered as an incentive for better (performance in pendency reduction. Therefore, while requirement for court halls and residential units of two States may be similar, the State filling up more vacancies and disposing more 10-year-old cases will be given preference in terms of allocation of funds from the Scheme.

E. Procedure for submitting proposals to the Department of Justice

Department concerned in the State Government dealing with judicial infrastructure in the State shall submit proposals each year to the Department of Justice for seeking financial assistance under the Scheme for new and on-going projects. The proposal should necessarily include the following:

- (i) District-wise details of on-going projects for construction of court buildings and residential buildings including infrastructure components, such as, Court Hall, Judge's Chamber, Office room, Library, Canteen, lawyers halls, toilet complexes and digital computer rooms etc.

- (ii) Requirement of funds for on-going projects.
- (iii) District-wise details of new projects for construction of court buildings and residential buildings including infrastructure components, such as, Court Hall, Judge's Chamber, Office room, Library, Canteen, lawyers halls, toilet complexes and digital computer rooms etc.
- (iv) Requirement of funds for new projects.
- (v) Total requirement of funds for on-going and new projects, indicating Central share and State share.
- (vi) Certificate that no UCs (for both central and state share) due are pending.
- (vii) Certificate that encumbrance free land and other clearances for the projects are available.
- (viii) Certificate that all safety precautionary measures as per Disaster Management Action Plan have been taken into account.
- (ix) Certificate that prescribed disabled friendly/accessibility standards have been adopted.
- (x) Certificate that proposal for new Court Hall and residential Units does not exceed the working strength of JOs.
- (xi) Timelines (start date and end date) for the projects have been indicated.
- (xii) State share of the funds proposed has been indicated.
- (xiii) Geo-tagging status of projects has been indicated.
- (xiv) Details/status of construction of projects sanctioned in previous year(s) has been indicated.

F. Timeline for submission of proposals

The States/UTs should submit their proposals with the above details by 30th of June every year. If any State/UT fails to submit their proposal within the stipulated time the funds will be reallocated to other needy States/UTs by 30th of September of that year.

G. Monitoring and Evaluation

1. In addition to the existing monitoring mechanisms, two Monitoring Committees will be constituted at the Central and State level each to monitor progress and timely completion of projects and to facilitate coordination between the various Departments officials. These Committees will hold meetings either in person or through video conference. The Committee details are as follows:

1.1 High Court Level Monitoring Committee in the State: The Committee will be chaired by the Chief Justice of the respective High Court and shall consist of the Registrar General of the High Court, Portfolio Judges, Law/Home Secretary of the State and, Secretary of the State PWD. The Committee will review the physical and financial progress of the construction of court halls, lawyers halls, toilet complexes and digital computer rooms and residential units for judicial officers every 6 months. The Committee shall have the following responsibilities:

- (a) Overall monitoring of the implementation of the Scheme in the State.

- (b) Check the quality of execution of works for maintaining quality standards.
- (c) Monitor adherence to the timelines in respect of the project from time and time.
- (d) Oversee implementation of the project without time and cost overruns.
- (e) Review status of all projects (including time & cost overrun of projects)

1.2 Central Level Monitoring Committee in the Department of Justice:

The Committee will be chaired by Secretary (Department of Justice, GoI) and will comprise of representatives from all States (Department of Law/Home, High Courts and PWD), concerned Joint Secretary (Department of Justice, GOI), Financial Advisor (Ministry of Law and Justice, GoI) and concerned Deputy Secretary (Department of Justice) will be the Convenor. The Committee will review the physical and financial progress of the construction of court halls lawyers halls, toilet complexes and digital computer rooms, and residential units for judicial officers every 6 months. The Committee shall have the following responsibilities:

- (a) Periodically review the progress of the approved projects.
- (b) Take necessary steps to ensure achievement of the objectives of the Scheme
- (c) Review UCs submitted by States/UTs. (d) Review status of all projects (including time & cost overrun of projects)

H. New Initiatives. Online Monitoring System

1. An online monitoring system namely Nyaya Vikas Portal for better asset management by enabling data collection on progress, completion of court halls and residential units under construction has been developed by the Department of Justice with technical assistance from the National Remote Sensing Centre (NRSC), ISRO along with a web portal and mobile application for geo tagging of assets and monitoring of physical and financial progress of projects sanctioned under the scheme. The mobile application and web portal after pilot testing are currently available for online monitoring. The States/UTs are required to upload/update data and photographs regularly. The different stages of monitoring are as follows:

- Stage 1: The mobile application will be used by a surveyor at the field to capture photographs of court halls, lawyers halls, toilet complexes and digital computer rooms /residential units for geo tagging and entering basic information regarding the progress of the project.
- Stage 2: An approver/moderator at the District level will verify the progress entered by the surveyor through the web portal and approve the details submitted by the surveyor.
- Stage 3: A State level user will add financial details related to the projects in the State including cost estimate, funds utilized and utilization certificate for each financial year.
- Stage 4: At the Central Level, the Department of Justice will use the web portal to monitor the details entered by the State and add details of funds released to the States in each financial year.

2. The objective of on-line monitoring system is to ensure that financial and physical status of projects should progress corresponding to each other. To improve the online monitoring

mechanism, the Nyaya Vikas portal has been upgraded to version 2.0 with role and responsibilities assigned at the Central and State level.

I. Role of Central User:

- Can manage and view projects with search option.
- Projects can be deleted by Central User.
- Customised reports of the projects started or completed between given dates can be generated.
- Can upload and manage the important documents shown on the home page.
- Can upload and manage the Image Gallery Photos shown on the home page.

J. Role of State Users:

- The funds to a project can be allocated dynamically for each financial year.
- While allocating the funds, system automatically shows the available funds which are released from the central user for ease of allocation.
- The estimate of a project can be updated by the state user whenever the estimated cost for a project changes.
- For Reports, the expenditure of a project is calculated by the Utilisation Certificate (UC) details uploaded by the State User.
- The facility to upload single UC with expenditure details for multiple projects is available.
- Approver/Moderator User can approve the project status through the mobile app.

K. Norms and Specifications :

The Department of Justice has developed norms and specifications for (construction of court halls. The norms and specifications have been calculated based on recommendations of the National Court Management Systems Committee of the Supreme Court in the Baseline Report on Court Development Planning System, existing norms and practice being followed by different State Governments and certain CPWD norms. These norms and specifications have been attached as Annexure 2.

L. Provision of flexi-funds:

1. Following the guidelines issued by Department of Expenditure, Ministry of Finance vide OM 55(S)/PF-II/2011) dated 6.9.2016, the State Governments/UTs have been provided flexibility to meet local needs and requirements within the overall objective of any given scheme at the sub-head level.
2. Under the above scheme Flexi Fund means that States/UTs if they so desire can set aside the funds allocated (25% in case of States and 30% in case of UT's), including Central and State share, as Flexi-fund to be spent on any sub-scheme or innovation or component that is in line with the overall aim and objective of the approved Centrally Sponsored Scheme. States can use the fund to meet local requirements in areas affected by internal security disturbances or to undertake mitigation or restoration activities in case

of natural calamities. For the sake of clarity, it is reiterated that the fund sharing pattern of flexi funds will be same, as prescribed for the CSS, as already indicated in para no. 4 above,

M. Objectives of Flexi-Funds:

- (i) To meet local needs and requirements e.g. customization required with respect to local conditions of weather, climate etc. or meet specific local demands like Lawyers' Building and Consultation Lounge, Litigants Waiting Hall, Library Complex etc.
- (ii) To pilot innovation to improve efficiency eg. customization of the building for ICT enablement, provide sound proofing and making it acoustic friendly:
- (iii) To undertake mitigation/restoration in case of natural calamities like earthquake, floods, storm or tsunami or to satisfy local requirements in areas affected by internal security disturbances e.g. repair of damage to the court buildings on account of the above.

N. Fund Allocation and Approval :

1. States/UTs if they so desire can set aside the funds allocated (25% in case of States and 30% in case of UTs), including the central and state share, for any given scheme in a financial year) as Flexi Fund to be spent on any sub-scheme or component or innovation that is in line with the overall aim and objectives of the approved Scheme.
2. The States/UTs, who want to avail of the Flexi-Fund facility, should constitute a State Level Sanctioning Committee (SLSC) to sanction projects or activities under the flexi-fund component. However, participation of the concerned Central Ministry would be mandatory in the SLSC before the flexi-fund facility is invoked under any Centrally Sponsored Scheme. The constitution of the committee is suggested as under:

Chief Secretary of the State	Chairman
Secretary, PWD	Member
Secretary, Finance	Member
Secretary, Law	Member
Secretary, Planning	Member
Representative of the High Court	Member
Representative of Department of Justice	Member

3. It may be noted that the name, acronym and the logo are the core feature of any Centrally Sponsored Scheme. These must be retained for the Flexi Fund component as well. If the States/UT's change any of these core features, the central contribution will cease and the Flexi Fund component will become a purely state scheme.

O. Use of Flexi-Funds :

1. The Flexi-Fund would continue to be part of the parent Centrally Sponsored Scheme. It may be operated at the level of the Scheme, Sub-Scheme and its Components, but not at the level of the Umbrella Program. However, it would be permissible to use Flexi-Funds to converge different schemes under an umbrella program to improve efficiency and effectiveness of outcomes.

2. It may also be noted that the purpose of Flexi-Funds is to enable the States to satisfy local needs and undertake innovations in areas covered by the Centrally Sponsored Schemes. Flexi-funds should not be used to substitute State's own schemes and project expenditures. It should also not be used for construction/repair of offices/ residences for government officials, general publicity, purchase of vehicles/ furniture for offices, distribution of consumer durables/non- durables, incentives/rewards for staff and other unproductive expenditures.

P. Monitoring, Evaluation & Audit :

1. Web-based reporting for the use of Flexi-Funds may be designed by adding modules to the existing MIS. Outcomes (medium term) and outputs (short term) should be part of the MIS along with pictures/ images and good practices to ensure greater transparency and learning across States.
2. Evaluation of Flexi-Funds may be done through the existing evaluation mechanism, including those set by the Ministries, NITI Aayog, or by independent third parties. Terms and conditions for evaluation may be designed in such a manner that outcomes of the Scheme as a whole, as well as the flexi-funds are well identified and measurable.
3. Flexi-funds within each CSS will be subject to the same audit requirements as the parent Centrally Sponsored Scheme, including audit by the Comptroller & Auditor General.