

Women's Human Rights:
Budgeting for Fast Track Court for providing justice to woman
victims of sexual violence
Organized by AWAG (Ahmedabad Women Action Group) &
Gujarat Mahila Fedration
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Evolution of Fast Court In India

- The Eleventh Finance Commission recommended a scheme for creation of 1734 Fast Track Courts (FTCs) in the country for disposal of long pending Sessions and other cases.
- The Ministry of Finance sanctioned an amount of Rs. 502.90 crores as “special problem and upgradation grant” for judicial administration. The scheme was for a period of 5 years.
- The Finance Commission Division (FCD), Ministry of Finance released funds directly to the state Governments under the scheme of Fast Track Courts. It is the primary responsibility of the State Governments to establish these courts in consultation with the concerned High Courts.

Purpose of Fast Track Courts

- The FTCs were established to expeditiously dispose of long pending cases in the Sessions Courts and long pending cases of undertrial prisoners.
- The term of scheme on the Fast Track Courts which were recommended by the Eleventh Finance Commission ended on 31st march, 2005.
- The Supreme Court, which is monitoring the functioning of Fast Track Courts through the case of Brij Mohan Lal Vs UOI & Ors observed that the scheme of Fast Track Courts should not be disbanded all of a sudden and in its order dated 31st march, 2005, directed the Union of India to continue the Fast Track Courts.
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Expense for Fast Track courts

- The Government accorded its approval for the continuation of 1562 Fast Track Courts that were operational as on 31.3.2005 for a further period of 5 years i.e. up to 31st March, 2010 with a provision of Rs. 509 crores. The Department of Justice is monitoring the scheme.
- The Central assistance under the above said scheme is limited to an approved norm i.e. Rs. 4.80 lakh per court per annum (recurring) and Rs. 8.60 lakh (non-recurring). Any expenditure incurred by the State in excess as recurring and /or non-recurring expenditure would have to be borne by the State Government.

	Per Year	Five Year	Expense for 5 years
Salary of judge and peon	4.80 lakh	24 lakh	24 lakh
Construction of court	3.4 lakh	-	3.4 lakh
Library and Computer	1.6 lakh	-	1.6 lakh
			29 lakh

Number of Fast Track Courts and the pending cases in FTCs

(As on March 31, 2011)

State	No of FTC	No of cases transferred until March 31, 2011	Pending cases
Arunachal Pradesh	3	4,162	2,502
Bihar`	179	2,39,278	80,173
Assam	20	72,191	16,380
West Bengal	109	1,46,083	32,180
Goa	5	5,096	1,079
Punjab	15	58,570	12,223
Jharkhand	38	1,10,027	22,238
Gujarat	61	5,37,636	1,03,340
Chattisgarh	25	94,670	18,095
Meghalaya	3	1,031	188
Rajasthan	83	1,49,447	26,423
Himachal Pradesh	9	40,126	6,699
Karnataka	87	2,18,402	34,335
Andhra Pradesh	108	2,36,928	36,975
Nagaland	2	845	129
Kerala	38	1,09,160	13,793
Mizoram	3	18,68	233
Haryana	6	38,359	4,769
Madhya Pradesh	84	3,60,602	43,239
UP	153	4,64,775	53,117
Maharashtra	51	4,23,518	41,899
Tamil Nadu	49	4,11,957	40,621
Uttarakhand	20	98,797	9006
Orissa	35	66,199	5,758
Manipur	2	3,059	198
Tripura	3	5,812	221
Total	1192	3898598	6,05,813

About Fast Track court in Gujarat...

- The state Government had constituted around 161 fast track courts (As per 2011-12) but 61 Fast Track courts were functional.
- These fast track court settled around 4,21,767 cases
- There are also 85 evening functional courts

Expenditure for Fast Track (2014-105-07)

- Major Head- 2014-Administration of Justice
- Minor head- 105-Civil and Session Judges
- Sub head- 07-Fast Track Court

Expenditure under Fast Track court in Gujarat

	Rs in crore	Rs in crore	Rs in crore
	Budget Estimates	Revised Estimates	Actual Expenditure
2006-07			14.15
2007-08	16.21	20.93	15.72
2008-09	17.77	19.70	11.99
2009-10	27.91	19.06	13.28
2010-11	32.33	26.84	23.95
2011-12	23.91	1.77	
2012-13			

Budget for 2014: Administrative of Justice

	Rs. in crore	Rs. in crore	Rs. in crore
Year	Budget Estimates	Revised Estimates	Actual Expenditure
2006-07			172.97
2007-08	178.14	199.76	200.55
2008-09	197.13	224.94	207.55
2009-10	338.97	322.15	324.65
2010-11	561.57	722.84	395.06
2011-12	596.53	572.95	
2012-13	629.62		

Vacancies in High Courts (As on 01-01-2012)

Name of High Court	Sanctioned Strength	Working Strength	Vacancies	% of working strength	% of vacancies
Allahabad	160	75	85	46.88	53.13
Andhra Pradesh	49	32	17	65.31	34.69
Bombay	75	59	16	78.67	21.33
Calcutta	58	38	20	65.52	34.48
Chhattisgadh	18	12	6	66.67	33.33
Delhi	48	36	12	75.00	25.00
Gauhati	24	22	2	91.67	8.33
Gujarat	42	27	15	64.29	35.71
Himalchal pradesh	11	10	1	90.91	9.09
Jammu and Kashmir	14	7	7	50.00	50.00
Jharkhand	20	11	9	55.00	45.00
Karanataka	50	38	12	76.00	24.00
Kerala	38	32	6	84.21	15.79
Madhya Pradesh	43	34	9	79.07	20.93
Madras	60	53	7	88.33	11.67
Orissa	22	16	6	72.73	27.27
Patna	43	37	6	86.05	13.95
Punjab and Haryana	68	45	23	66.18	33.82
Rajasthan	40	27	13	67.50	32.50
Sikkim	3	2	1	66.67	33.33
Uttarakhand	9	8	1	88.89	11.11
Total	895	621	274	69.39	30.61

Vacancies at District and Subordinate Courts (As on 30-09-2011)

Sr.	State	sanctioned Strength	Working strength	Vacancies	% of vacancies	% of strength
1	Arunachal Pradesh	2	2	0	0	100.00
2	Bihar`	1666	976	690	41.42	58.58
3	Assam	339	252	87	25.66	74.34
4	West Bengal	933	788	145	15.54	84.46
5	Goa	49	42	7	14.29	85.71
6	Punjab	491	379	112	22.81	77.19
7	Jharkhand	499	417	82	16.43	83.57
8	Gujarat	1679	885	794	47.29	52.71
9	Chattisgarh	20	20	0	0.00	100.00
11	Rajasthan	922	751	171	18.55	81.45
12	Himachal Pradesh	132	117	15	11.36	88.64
13	Karnataka	946	785	161	17.02	82.98
14	Andhra Pradesh	930	800	130	13.98	86.02
16	Kerala	437	395	42	9.61	90.39
18	Haryana	476	359	117	24.58	75.42
19	Madhya Pradesh	1313	1,162	151	11.50	88.50
20	UP	2138	1,864	274	12.82	87.18
21	Maharashtra	2012	1,795	217	10.79	89.21
22	Tamil Nadu	855	761	94	10.99	89.01
23	Uttarakhand	268	141	127	47.39	52.61
24	Orissa	627	521	106	16.91	83.09
	all states and Uts	18123	14,287	3,836	21.17	78.83

Sanctioned strength of Judges at High Court and District Courts in Gujarat

Cadre		Sanctioned Strength
High Court Judges		42
No.	Cadre	Sanctioned Strength
1	Judge, City Civil Court	35
2	Judge, Family Court	33
3	District Judges/Joing District Judges	144
4	Addl. District Judge (Ad.hoc)	100
5	Senior Civil Judge	322
6	Senior Civil Judge (Ad.hoc)	225
7	Members, Industrial Court	17
8	Civil Judge	429
9	Civil Judge (Ad.hoc)	375
10	Judge Labour Court	47
Total		1769

What should be budget for Fast track court

	As per 2001-01			
		Per Year	Five Year	Expense for 5 years
	Salary of judge and peon	4.80 lakh	24 lakh	24 lakh
	Construction of court	3.4 lakh	-	3.4 lakh
	Library and Computer	1.6 lakh	-	1.6 lakh
				29 lakh

Estimates for one Fast Track court in the present context

Heads	Annual
Judge's salary	8 Lakh
Steno	3 lakh
Secretary	3 lakh
Peon	1.5 lakh
Govt Pleader	4 lakh
Clerk's salary	2 lakh
Court Administrative	7 lakh
Miscellaneous	1.5 lakh
Total	30 lakh

- Fast Track courts-3 per district
- 5 X26 Districts=130 courts
- Rs. 30 X 130= 3900 Lakh
- Budget estimate for Fast Track court per annum could be something around
- Rs. 39 crore

- As the cases of violence against women are alarming and the justice process is very slow.
- Allocating small amount of budget of Rs. 39 crore for speedy trial under fast track court is possible.
- The Fast track courts will take up cases of violence against women, sexual offence, molestation and others
- The speedy trial and punishment will create feeling of fear and deterrence among potential offenders

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