

FAST-TRACK COURTS: JUSTICE ON THE CLOCK

In context: The demand for these courts occasionally resurfaces when incidents like the tragic rape and murder of a doctor at Kolkata's R.G. Kar Medical College happen, though the inherent limitations of the judicial system remain largely overlooked

About Fast-Track Courts:

- Fast-track courts in India were established to address the phenomenal judicial backlog and ensure the timely delivery of justice.
- These courts were designed to deal with heinous crimes, including sexual offences and crimes against women and children.

Establishment:

- Setting up of fast Track Courts and its functioning lies within the domain of State Governments in consultation with the respective High Courts

Purpose:

- FTCs are set up to deal with cases such as heinous crimes including sexual offences and crimes against women and children, civil cases related to property related cases

Disposal Rate:

- The disposal rate for FTSCs has improved from 83% in 2022 to 94% in 2023

Top performing States

- While States such as Uttar Pradesh, Maharashtra, and Tamil Nadu have maintained a high number of operational courts, others have far fewer or, in some cases, none.
- For instance, in 2023, several States, including Odisha, Kerala, Karnataka, Rajasthan, Madhya Pradesh, and Telangana, either had no functional fast-track courts or were struggling to establish them

- These disparities are a reflection of local resource limitations, varying levels of prioritisation, and differing administrative capabilities.

Fast Track Special Courts Scheme:

- To implement the Criminal Law (Amendment) Act, 2018 and comply with the directives of the Supreme Court to establish Special Courts exclusively dealing with POCSO Act cases, the Government devised a Centrally Sponsored Scheme in August 2019.
- This Scheme aimed to establish Fast Track Special Courts (FTSCs), including **exclusive POCSO** Courts nationwide for expeditious disposal of rape and POCSO Act cases.
- The FTSC Scheme was launched initially for one-year 2019 spread over two Financial Years 2019-20 and 2020-21 at a total outlay of ₹ 767.25 Cr. with ₹ 474 Cr. as Central

The 14th Finance Commission (FC)

- Set up by the Government of India had recommended the setting up of 1800 FTCs during 2015-2020 for speedy trial of specific cases of heinous nature, civil cases related to women, children, senior citizen, disabled persons, persons infected with terminal ailments etc. and property related cases pending for more than 5 years.
- Setting up of (FTCs) and allocation of funds is required to be done by the State Governments as per their need and resources, in consultation with the respective High Courts.
- The FC had urged upon the State Governments to utilize enhanced fiscal space available through tax devolution (32% to 42%) for this purpose

Present Status:

- ❖ **Chart 2** indicates that between 2018 and 2020, India saw a significant rise in the number of fast track courts. **In 2018**, 699 courts were operational, growing to 907 by 2020.
- ❖ However, this progress has slowed since 2020, with the number of functional courts dropping to 832 in 2023.

Need for speed

The charts are sourced from Lok Sabha questions and answers



Chart 1: The chart shows the total criminal cases pending in High Courts (right axis) and District Courts (left axis)

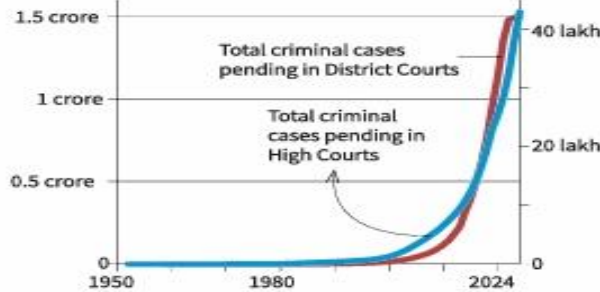


Chart 2: The chart shows the number of fast-track courts established between 2018 to 2023

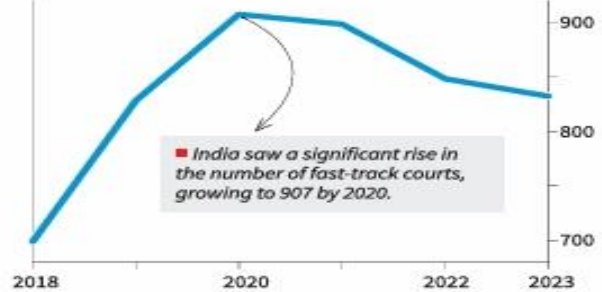
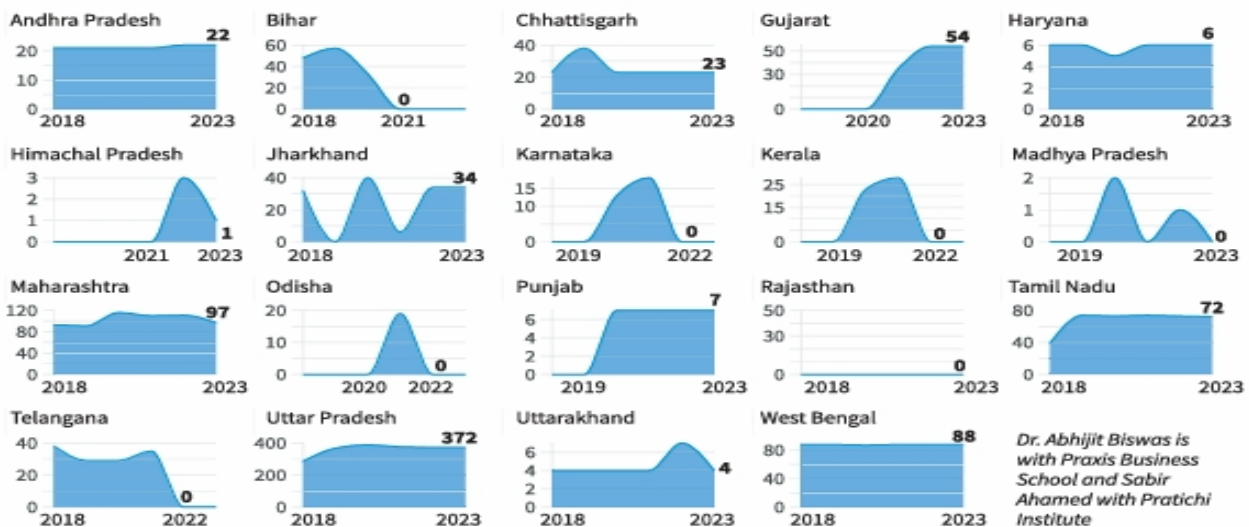


Chart 3 shows the number of functional fast-track courts over time across select major States.

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Constraints: The effectiveness of fast-track courts has been plagued by several factors

- **Resource limitations:** Courts may not receive sufficient funding to operate effectively, leading to delays and inefficiencies
- ✓ States with fewer financial capabilities struggle to keep fast-track courts functioning optimally
- ✓ While the Union government provides support, the responsibility of running fast-track courts rests with the States, many of which struggle to allocate the necessary resources
- **Insufficient staff at the judiciary:** Courts may not have sufficient staff, including judges, prosecutors, and support personnel, to manage the caseload
- **Overburdened:** Even in States where these courts are operational, they are often overburdened by the sheer volume and variety of cases, resulting in delays
- The jurisdiction of fast track courts is disproportionately wide compared to their capacity, further delaying justice
- Many States have not expanded the scope of fast-track courts beyond sexual offences, limiting their ability to address other categories of high-pendency cases.
- **Lack of Infrastructure:** courts lack adequate infrastructure, including facilities, equipment and technology
- **Inefficient investigations**

Way forward:

- By broadening their jurisdiction, these courts could alleviate some of the burdens on the regular judiciary and better fulfill their intended purpose of delivering faster justice across a wider range of cases.
- The future of fast-track courts has huge potential to ensure speedy justice. But, for these courts to live up to their promise, the States must prioritise their operation and ensure they have the necessary resources to function efficiently.

- The States must improve their sophisticated investigation, providing cutting-edge forensic services.
- **One possible solution lies in leveraging technology.** Digital case management systems, e-filing, and video conferencing could help reduce procedural delays, allowing fast-track courts to work more effectively.

Conclusion

Source: The Hindu