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# **FAST TRACK COURTS IN INDIA**

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## **ABSTRACT**

Fast Track Courts play a vital role in India's legal landscape, offering hope to those seeking justice. Fast Track Courts were established to address the issue of pending cases in India, with a focus on resolving rape cases and crimes against children. These courts have distinct features that set them apart from regular trial courts and play a vital role in the country's legal system. By improving their efficiency, Fast Track Courts can provide swift and equitable justice for the nation. In this article we discuss about what is fast track courts, features of fast track courts, it's history, issues regarding the fast track courts and suggestions to overcome the issues. I have use the acronyms such as FTC, IPC and POCSO as Fast track courts, Indian penal code and Protection of Children from Sexual Offences as respectively.

## **WHAT IS FAST TRACK COURTS?**

Fast Track Courts (FTCs) are specialized judicial bodies that were established based on the recommendations of the 11th Finance Commission to address the issue of pending cases across the country. These courts are designed to provide swift access to justice and have a primary goal of reducing the backlog of cases in district and subordinate courts. State governments, in consultation with their respective High Courts, have been instrumental in setting up these courts.<sup>[1]</sup>

The primary focus of Fast Track Courts has been to expedite the resolution of pending cases, particularly those related to rape cases under the Indian Penal Code (IPC) and crimes falling under the Protection of Children from Sexual Offences (POCSO) Act. This specialized approach is aimed at revolutionizing the legal landscape and ensuring prompt justice for the victims.

Fast Track Courts come with distinct features that differentiate them from regular trial courts. Unlike regular trial courts, Fast Track Courts typically operate with a specific target or deadline

for disposing of a predetermined number of cases within a prescribed time frame. They also streamline the process by ensuring that all witnesses in a case are examined in a single trial, a feature not common in normal courts.

Furthermore, the jurisdiction of Fast Track Courts is often more limited, focusing on specific categories of cases such as POCSO and sexual offenses. In contrast, regular courts have a broader jurisdiction encompassing civil and criminal matters. Fast Track Courts are known for their efficiency in issuing summons and warrants, and they tend to avoid the common practice of postponing hearings or allowing frequent adjournments, which can contribute to delays in regular session courts.

In essence, Fast Track Courts have been instrumental in expediting the legal process, alleviating the burden on regular courts, and addressing the backlog of cases, particularly in matters concerning the most vulnerable members of society, such as victims of sexual offenses. Their establishment represents a significant step toward ensuring swift and effective dispensation of justice.

## **FEATURES OF FAST TRACK COURTS**

The primary goal of fast track courts is to accelerate the conviction process, alleviate the burden on traditional courts, and reduce case backlogs. Fast track courts exhibit distinct characteristics when compared to regular trial courts:

1. **Time Targets:** Fast track courts are guided by specific time targets for disposing of cases, a feature absent in regular trial courts.
2. **Single-Trial Examination:** Fast track courts are designed to have all witnesses in a case examined during a single trial, a practice not common in regular courts where witness examinations can be more fragmented.
3. **Specialized Jurisdiction:** Fast track courts typically handle cases related to POCSO and sexual offenses, offering a more specialized focus, whereas regular courts have a broader jurisdiction encompassing both civil and criminal matters.

4. Expedited Summons and Warrants: The issuance of summons and warrants is generally faster in fast track courts, contributing to expeditious proceedings.

5. No Adjournments: Unlike session courts where postponements and adjournments are commonplace, fast track courts prioritize the avoidance of such delays, maintaining an efficient pace in the legal process.<sup>[2]</sup>

## **BRIEF HISTORY OF FAST TRACK COURTS**

The Fast Track Courts were originally established by the Central Government to expedite the resolution of long-pending cases, particularly those in sessions courts, across various subject matters. This initiative was funded through a grant from the 11th Finance Commission (2000-2005). Under this scheme, a total of 1,734 Fast Track Courts were set up nationwide. The grant period ended in 2005, but it was extended by the 12th Finance Commission, supporting 1,562 existing Fast Track Courts for an additional five years, until 2010.

During the 2000s, Fast Track Courts gained significant popularity. The Law Commission of India made recommendations for various types of Fast Track mechanisms. For instance, in 2003, the 188th report of the Law Commission suggested the establishment of a permanent fast-track commercial division in each High Court to handle high-value commercial disputes. In 2008, the Law Commission reiterated the need for Fast Track Courts, primarily as an ad-hoc measure to clear backlogs rather than a permanent feature.

However, when the Central Government decided to discontinue its funding for Fast Track Courts, this decision was challenged in the Supreme Court in 2012 in the case of *Brij Mohan Lal v. Union Of India & Ors.* The Supreme Court, in this case, declined to strike down the decision but issued directions to improve the justice delivery system. It emphasized the constitutional mandate for fair and expeditious trials and instructed the States and Central Government to create additional judicial posts within three months.

Regarding Fast Track Courts, the Court allowed States to decide whether to continue or discontinue the scheme, but not on an ad-hoc basis. The Central Government's position was that States could continue the scheme if they could fully fund these courts themselves. Despite the

discontinuation of Central Government funding, some Fast Track Courts, particularly those dealing with sessions court cases, continued to operate in several states, including Karnataka.

In December 2012, the 'Nirbhaya' sexual assault case led to a nationwide reevaluation of violence against women and the challenges survivors faced within the criminal justice system. The Justice J.S. Verma-led committee conducted a comprehensive review of the legal system, resulting in the 'Report on Amendments to Criminal Law' published in January 2013. The report emphasized the importance of speedy justice to legitimize the legal framework and act as an effective deterrent to crime. It also stressed the significance of how courts treated complainants, evidence, and medical findings and called for judges and prosecutors to be sensitized to the issues.

Following the Verma Committee's recommendations and public support for speedy justice, states were encouraged to establish Fast Track Courts specifically for cases of sexual assault, utilizing the additional judges appointed as per the Supreme Court's decision in the Brij Mohan Lal case. These courts were seen as a crucial response to the need for expeditious and sensitive handling of cases related to sexual assault.

In summary, the Fast Track Courts initiative, initially funded by the Central Government, aimed to resolve long-pending cases swiftly. While the funding was discontinued, the focus on expedited justice continued, particularly in cases of sexual assault, as highlighted by the Verma Committee's recommendations. This approach underlines the importance of efficiency and sensitivity within the legal system to address backlogs and ensure justice for all.<sup>[3]</sup>

### **The Impact of Fast Track Courts on the Indian Judicial System**

The introduction of FTCs has had a significant impact on the Indian judicial system. These courts have played a crucial role in reducing the backlog of pending cases and expediting the trial process. The speedy disposal of cases has not only instilled confidence in the judiciary but has also provided relief to victims and their families who have been waiting for justice for extended periods.

The numerical data pertaining to the performance of FTCs in India further highlights their impact. According to the National Judicial Data Grid, as of March 2021, FTCs have disposed of over 6.5 lakh cases across the country. This remarkable figure showcases the effectiveness of these courts in addressing the backlog and ensuring timely justice delivery.

Furthermore, the impact of FTCs can be seen in the decline of pending cases over the years. As per the data provided by the Law Ministry, the number of pending cases in FTCs reduced from 2.3 lakh in 2014 to 1.1 lakh in 2020. This significant decrease reflects the success of these courts in expediting the trial process and reducing the burden on the judiciary.<sup>[4]</sup>

## ISSUES REGARDING FAST TRACK COURTS

Fast track courts in India face a multitude of challenges that significantly impact their effectiveness in delivering swift justice. These challenges encompass issues related to resource constraints, case backlogs, funding, inconsistent implementation, bureaucratic hurdles, lack of specialization, interference and pressure, witness protection, legal aid and awareness, and technology infrastructure.

### **Resource Constraints:**

Resource constraints pose a significant hurdle for fast track courts. The shortage of judicial officers and support staff, including judges, stenographers, clerks, and essential personnel, leads to delays and administrative difficulties. Additionally, a lack of courtrooms and proper infrastructure results in congestion and logistical challenges. These constraints stem from the temporary and ad-hoc nature of many fast track court appointments, making it difficult to maintain a consistent and adequate pool of personnel. Limited funding and budget allocation also hinder recruitment and infrastructure development. To address this, systematic recruitment and clear mechanisms for timely appointments, along with adequate infrastructure, are essential. Consistent funding and budget allocation must be ensured for a robust and resourceful judiciary.

### **Backlog of Cases:**

The massive backlog of cases in India presents a multifaceted challenge for fast track courts. While designed to expedite case resolutions, they face the daunting task of addressing a backlog accumulated over several years. The sheer volume and diversity of pending cases, spanning civil and criminal matters, present a complex issue. Striking a balance between addressing older cases and ensuring timely resolution for new cases is pivotal. Efficient case management, prioritization, and resource allocation are necessary. Case management systems, court automation, and alternative dispute resolution mechanisms can help address the backlog.

**Funding Issues:**

Funding remains a critical issue for fast track courts, typically funded by the government. Inconsistent funding can disrupt operations, affecting the appointment of judges, support staff, and court infrastructure maintenance. To address this, a stable and predictable funding mechanism is required. A sustained commitment from the government is necessary to allocate adequate resources for the continuous operation of these courts. A well-defined funding structure can also support the expansion of fast track courts to underserved areas.<sup>[5]</sup>

**Inconsistent Implementation:**

Inconsistent implementation of fast track courts across different states and regions poses a challenge to uniform justice delivery. Variations in commitment, resource allocation, and workload can impact their performance. Standardization and guidelines are needed to ensure the consistent implementation and functioning of fast track courts. Sharing best practices and models among states, as well as regular monitoring and evaluation, can help improve their consistency.

**Bureaucratic Hurdles:**

Bureaucratic hurdles can hinder the smooth operation of fast track courts. Administrative red tape, delays in approvals, and excessive paperwork can slow down the establishment and functioning of these courts. Streamlining administrative procedures, reducing unnecessary paperwork, and expediting approvals are critical to mitigate these bureaucratic challenges.

**Lack of Specialization:**

Fast track courts may lack specialization to handle certain complex cases effectively. Judges may not be adequately trained or experienced in specialized areas of law, which can result in suboptimal outcomes. Specialized training programs for judges can enhance their ability to handle a broader spectrum.

**Interference and Pressure:**

Interference in the functioning of fast track courts, often from political influence or external pressure, can undermine their autonomy and integrity. Safeguards are required to insulate these courts from external influences, ensuring they remain impartial and fair in their judgments.

**Witness Protection:**

Ensuring the safety and protection of witnesses, particularly in cases involving influential or dangerous individuals or organizations, is a significant challenge. Effective witness protection programs need to be strengthened and standardized to instill confidence in witnesses and encourage their participation in legal proceedings.

**Legal Aid and Awareness:**

Many litigants, especially from marginalized sections of society, lack access to legal aid and awareness. This lack of legal knowledge can lead to ineffective presentation of cases. Efforts are needed to enhance legal awareness and provide legal aid to those in need.

**Technology Infrastructure:**

In an era where technology plays a pivotal role in modern legal proceedings, the adequacy of technology infrastructure is crucial. Outdated or inadequate technology infrastructure hinders the use of digital records, case management systems, and video conferencing facilities, limiting the courts' ability to leverage technological advancements.<sup>[6]</sup>

In conclusion, addressing these challenges requires a multi-faceted approach, involving systematic recruitment, streamlined administrative processes, consistent funding, standardized implementation, specialization and training, safeguarding judicial independence, robust witness protection, legal awareness programs, and upgraded technology infrastructure. Overcoming these obstacles is essential to ensure that fast track courts fulfill their mission of expediting justice and delivering fair verdicts.

**Suggestions for improving the efficiency of Fast track courts** To enhance the efficiency of Fast Track Courts (FTCs), several key recommendations can be implemented:

- 1. Efficient Case Management:** Implement streamlined case management systems with clear targets for case disposal.
- 2. Specialization and Training:** Provide specialized training for judges and support staff, aligning their expertise with specific case types.

**3. Digital Transformation:** Invest in technology infrastructure for digital record-keeping, case management, and e-filing to reduce administrative burdens.

**4. Predictable Funding:** Ensure consistent and predictable funding for FTCs to maintain smooth operations.

**5. Standardization:** Develop uniform guidelines and best practices for FTC implementation, promoting consistency among states.

**6. Reducing Bureaucratic Hurdles:** Simplify administrative processes to expedite the establishment and functioning of FTCs.

**7. Witness Protection:** Strengthen and standardize witness protection programs to encourage witness participation without fear.

**8. Legal Aid and Awareness:** Conduct legal awareness campaigns and ensure access to legal aid for marginalized sections.

**9. Zero Tolerance for Interference:** Establish safeguards against external influence and mechanisms to report interference.

**10. Regular Evaluation:** Continuously evaluate FTC performance and seek feedback for improvements.

**11. Public Awareness Campaigns:** Inform the public about the role of FTCs in delivering swift justice, particularly for cases like sexual offenses.

**12. Alternative Dispute Resolution:** Utilize mediation and arbitration to resolve certain cases outside FTCs, reducing their caseload.

**13. Strengthened Legal Aid:** Increase the availability of legal aid clinics and professionals to support litigants.

**14. Judicial Independence:** Ensure safeguards to protect the independence and impartiality of FTC judges.

**15. Public Accountability:** Maintain transparency in FTC operations, providing accessible information on case progress and judgments.

Implementing these recommendations will significantly boost the efficiency of FTCs, aiding their vital role in delivering swift and equitable justice.

## CONCLUSION

Fast Track Courts (FTCs) in India are instrumental in expediting justice and tackling the backlog of long-pending cases, particularly in matters of heinous crimes and sexual offenses. These specialized courts provide swift access to justice, yet they face various challenges.

Resource constraints, case backlogs, funding issues, inconsistent implementation, bureaucratic hurdles, lack of specialization, interference, witness protection, legal aid gaps, and technology deficiencies pose hurdles to FTCs' efficiency. To enhance their effectiveness, streamlined case management, specialized training, technology investments, consistent funding, standardized implementation, reduced bureaucracy, strengthened witness protection, legal awareness campaigns, and safeguarding judicial independence are essential.

Despite these challenges, FTCs play a vital role in India's legal landscape, offering hope to those seeking justice. Overcoming these obstacles and continually improving their efficiency will allow FTCs to serve as a beacon of swift and equitable justice for the nation.

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