

FAQs

Fast track Courts

What are Fast Track Courts?

- **Fast Track Courts:** Fast track courts (FTCs) are special courts for speedy trials. Fast track courts deal with speedy disposal or solution of cases to make the judiciary more effective and to avail justice as fast as possible.
- The **Fast Track Courts** (FTCs) were established in Indian in the year 2000 with an aim to clear the long pending Sessions and other lower judicial cases.
- They are ‘special court’ is one which is to deal with special types of cases under a shortened and simplified procedure

What is the need for Fast Track courts?

1. **Clearing the considerable amount of pending cases:** The main motive behind the establishment of fast track courts was to solve the enormous amount of pending cases and to reduce some burden off district and high courts. Another motive was to give proper attention and time to sexual assault cases.
2. **Expected to reduce the number of undertrials in jails:** India has one of the largest number of people (approximately 2.8 lakhs) in prison awaiting their trial or going through their trials and this number keeps increasing everyday as new cases emerge and new accused are imprisoned. To reduce this number fast track courts are needed in the country.
3. **Need for Speedy Trial:** In a country where thousands of crimes take place every day it is very important to provide speedy trial and justice. Speedy trial also being a constitutional right has yet to see its goals achieved and for the same, fast tracks courts are required.
4. **Judiciary’s commitment to end sexual and gender based violence:** Fast track courts work to provide speedy and accurate justice to gender and sexual violence victims. It proves that the judiciary is committed towards ending sexual and gender based violence.

What are the advantages of Fast track courts?

1. **Lessening of the general caseload burden:** The objective with which the fast track courts were established has been very beneficiary for judiciary as it has solved over a million cases and has reduced the case load from other courts.

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- Promotes specialization and professionalization:** It has helped employ thousands of people from different fields, it also avails retired judges from high courts and district courts. The establishment of fast track courts has promoted the specialization of a category of law.
- Improves judicial efficiency and effectiveness:** By the proper use of judiciary and by speedy trial and judgment, fast track courts boost the efficiency of the judiciary.
- High case clearance rate and speedy trial rate:** Fast Track courts in India have the highest case disposal rate due to its speedy trial and judgment. And hence it is efficient in solving cases in a bound time.
- Guarantees consistency and predictability:** Fast track courts have high performance rate and are stable and steady. It renders justice with high accuracy.

What are the issues in Fast Track courts?

- Adhocism:** Setting up of FTCs was not based on actual problems of pendency, but was often in response to specific incidents such as securities scams, rape cases and sexual harassment of children.
- As per data of the NCRB for 2018, of the around 28,000 trials done in Fast Track Courts across the country in that year, 78% took more than a year to complete and hence puts trial courts at the bottom of the rung in terms of time taken amongst all courts in India. In fact, around 42% of the trials went on for more than three years and as many as 17% of all cases took more than half a decade to complete.
- Huge pendency of cases :** The 11th Finance Commission had recommended a scheme for the establishment of 1734 FTCs for the expeditious disposal of cases pending in the lower courts however at the end of March, 2019 there were 581 FTCs operational in the country, with approximately 5.9 lakh pending cases. Moreover, 56% of the States and Union Territories, including Karnataka, Madhya Pradesh and Gujarat, had no FTCs.

| STATES WITH HIGHEST PENDENCY OF CASES | | |
|---------------------------------------|---------------|------------------------------|
| State | Cases pending | Proportion of total pendency |
| Uttar Pradesh | 51 lakh | 23% |
| Maharashtra | 29 lakh | 13% |
| Gujarat | 22.5 lakh | 11% |
| West Bengal | 13 lakh | 6% |
| Bihar | 13 lakh | 6% |

| STATES WITH CASES PENDING FOR MORE THAN 10 YEARS | | |
|--|----------|-------------|
| 6.5 LAKH | 5.2 LAKH | 2.5 LAKH |
| UTTAR PRADESH | GUJARAT | MAHARASHTRA |

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- 4. Non-Uniformity in Type of Cases:** There is a huge variation in the kinds of cases handled by these courts across States, with certain States primarily allocating rape and sexual offence cases to them and other States allocating various other matters.
- 5. Lack of focus on systematic issues:** Though large sums of money and attention are being devoted to creating additional posts, little is being done to identify and address the prevalent systemic issues.
- 6. Infrastructural Issues:** Most FTCs were not set up with different infrastructure or facilities, but were often housed in an existing court. Moreover, several States appoint FTCs special judges from the current pool of judges. This substantially increases the workload of the remaining judges.
- 7. Technological Barrier:** Several FTCs lacked technological resources to conduct audio and video recordings of the victims and many of them did not have regular staff.
- 8. Lack of Coordination:** In India, tribunals are managed by different ministries, and fast-track courts and special courts are administered under different judicial bodies, with little coordination or uniformity among them.

What is the way forward?

- For the Fast track courts to become successful, States should engage with the principal and senior district judges to get a sense of issues the courts are facing in various districts and identify systemic issues and addressing the concerns is quite vital.
- Moreover, equal attention must be paid to setting up FTCs for both the metropolitan and far-flung non-metropolitan areas.
- For the overall system to work productively, it is important to ensure that its various components work efficiently and without any hindrance.