

**INTERNATIONAL JOURNAL OF LEGAL
SCIENCE AND INNOVATION**
[ISSN 2581-9453]

Volume 6 | Issue 3

2024

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Fast-Track Courts in India: Assessing Efficacy and Proposing Solutions for Case Backlog

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ABSTRACT

This research aims to critically analyze the Fast-Track Courts in India with its noteworthy contribution in precipitating the justice delivery system. The research predominantly stresses the organizational structure, jurisdiction, historical evolution, and legal frameworks of the Fast-Track Courts in India. The paper also delves into the functions performed by the Fast-Track Courts and scrutinizes its effects on the huge backlog of cases in the Indian judicial system. This paper humbly attempts to assess the procedural aspects and mechanisms employed by the Fast-Track Courts in resolving disputes and emphasizing their efficiency in achieving speedy justice. The study further explores viable solutions to address the persistent issue of case backlog in the country's judicial system.

By assessing the performance of fast-track courts and identifying the factors contributing to the pendency of cases with special attention on the systematic and procedural issues, the research seeks to offer valuable insights for judicial reform and improvement while considering short-term and long-term perspectives. It will also examine the specific challenges faced by the Fast-Track Courts in expediting justice and reducing the case backlog. It will further bestow recommendations for optimizing the functioning of fast-track courts, ensuring their efficiency in the delivery of timely justice while maintaining the specified judicial standards.

I. INTRODUCTION

The denial of 'timely justice' amounts to a denial of 'justice' itself. The two are integral to each other. Timely disposal of cases is essential for maintaining the rule of law and providing access to justice which is a guaranteed fundamental right. However, the judicial system is unable to deliver timely justice because of a huge backlog of cases for which the current judge strength is completely inadequate. In addition to the already backlogged cases, the system is not able to keep pace with the new cases being instituted and is not able to dispose of a comparable number of cases. The already severe problem of backlogs is getting exacerbated day by day, leading to

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a dilution of the Constitutional guarantee of access to timely justice and erosion of the rule of law. Several initiatives have been taken from time to time to improve the justice delivery system and to make it affordable and accessible to the common man all across the country. Increasing access by reducing delays and arrears in the system, has also been the constant endeavor of the Union Government. These initiatives of the Union Government inter-alia include measures for strengthening the judicial system, reviewing the strength of the judges periodically and setting up part-time or special courts, improving infrastructure in the courts, and increasing the use of Information and Communications Technology for court management as well as for providing citizen-centric services at all levels starting from Supreme Court and the High Courts to the district and subordinate courts. One such initiative was the creation of Fast Track Courts.²

The dictionary meaning of Fast Track is, “A route or method which provides for more rapid results than usual.” It also means “happening, developing, or progressing more quickly than usual.” Thus, fast-track court means a special type of court set up for speedy trial in special cases where hearing is being done either daily or without much delay.³ Fast-track court is a special type of court established to expedite the judicial process and deliver justice on time. The fast-track courts were set up for cases involving serious crimes such as rape, murder, terrorism, etc., or for cases that have a large public interest such as corruption, fraud, etc. The purpose of their establishment was to decrease the backlog of unresolved cases and enhance the effectiveness of the legal system. These courts prevent criminals from committing new crimes and offer victims and their families prompt justice.⁴ The establishment of Fast-Track Courts was prompted by the government's recognition of the alarming frequency of Sexual Offences and the prolonged duration of trials in regular courts, which resulted in delayed justice for victims.⁵

² *Fast Track Courts*, Parliament Library and Reference, Research, Documentation and Information Service (Larrdis), Lok Sabha Secretariat (July 2015, 3 PM), https://loksabhadocs.nic.in/Rfinput/New_Reference_Notes/English/Fast_Track_Courts.pdf.

³ Salkute Sanjay Rambhau, *Speedy Trial in Criminal Cases by Fast Track Court*, International Journal of Law and Legal Jurisprudence Studies, Volume 1 Issue 5, <https://ijlls.in/wp-content/uploads/2014/08/sanjaysalkute11.pdf>.

⁴ AMA Legal Solutions, *Analyzing the Failures of India's Fast-Track Judicial System: Challenges, Solutions, and Perspectives*, LinkedIn (March 4, 2024, 2 PM), <https://www.linkedin.com/pulse/analyzing-failures-indias-fast-track-judicial-system-jf4oc>.

⁵ Press Information Bureau, *Fast Track Special Courts*, Drishti IAS, (December 1, 2023, 12 PM), <https://www.drishtiiias.com/daily-updates/daily-news-analysis/fast-track-special-courts>.

II. HISTORICAL BACKGROUND, JURISDICTION, AND FUNCTIONING OF FAST-TRACK COURTS

In the year 1986, the Supreme Court realized the need for fast-track courts in India. The 11th Finance Commission recommended in 2000 that 1,734 fast-track courts be established to guarantee the prompt resolution of matters that were pending in inferior courts. This recommendation led to the creation of fast-track courts. The Finance Ministry approved a "special problem and upgradation grant" of Rs. 502.90 crores to the states based on this request. As of the updates in October 2023, 848 FTCs are functional across the country.⁶

The term of the scheme on the Fast Track Courts which was recommended by the 11th Finance Commission ended on 31st March, 2005. Based on the directives of the Supreme Court of India, the Government accorded its approval for the continuation of 1562 Fast Track Courts that were operational as of 31st March 2005 for a further period of 5 years i.e. up to 31st March 2010 with a provision of Rs. 509 crores. The scheme of central assistance for Fast Track Courts was further extended for one year i.e. up to 31st March 2011 and it was decided that there will be no central funding for Fast Track Courts beyond 31st March 2011.⁷

The Fast Track Courts are ad-hoc institutions set up specially for the cases of heinous crimes; civil cases related to women, children, senior citizens, HIV/AIDS, etc., and property-related cases pending for more than 5 years. The particular High Court in question has to select the judges for these courts, with candidates mostly coming from three pools:⁸

- a) Retired judges of the High Court.
- b) Member of the respective Bar Associations.
- c) Background and Legislative Basis.

The decision to establish fast-track courts was prompted by the passage of the Criminal Law (Amendment) Act in 2018. The original plan was to set up 1,023 fast-track courts in response to the need for expeditious justice in cases of sexual offences. The Fast-Track Court Scheme aims to expedite the judicial process for cases related to sexual offences, particularly rape, and those falling under the Protection of Children from Sexual Offences (POCSO) Act. The scheme was centrally sponsored and launched in 2019.⁹

The Central Government has framed a scheme that envisages the appointment of ad hoc judges

⁶ Supra Note 3.

⁷ Supra Note 1.

⁸ Supra Note 3.

⁹ Ibid

to be carried out by the High Court. The Hon'ble Apex court is pleased to observe that, Priority shall be given by the Fast Track Courts for disposal of those Sessions cases which are pending for the longest period, and/or those involving under trials. Similar shall be the approach for Civil cases i.e. old cases shall be given priority. The objectives of Fast Track Courts:

- a) To expedite the pendency in courts under a time-bound program.
- b) To give top priority to session cases and under-trial cases.
- c) To reduce the number of under-trials in jail thereby reducing expenditure as well as burden on jails.
- d) Setting up a fast-track court in each district [as per scheme].¹⁰

Cases that are pending for the longest period, and/or those involving under-trials. It is for speedy trials in special cases. Hearing is being done either daily or without much delay. The fast-track court is also required to dispose of cases of given targets. At least one Administrative Judge shall be nominated for each High Court to monitor the disposal of cases of Fast-Track Courts and to resolve the difficulties and shortcomings, if any, with the administrative support and cooperation of the concerned State Government.¹¹

Fast-track courts have often been mooted as a solution to the extensive delays that plague the functioning of “normal” courts in India, particularly in times when there is a real or perceived escalation in crime. During the last couple of years, in the wake of many highly publicized cases of sexual assault against women starting with the ‘Nirbhaya’ sexual assault case in December 2012, fast-track courts have increasingly been proposed as the solution for securing justice and deterrence in cases of sexual violence against women. In the aftermath of the ‘Nirbhaya case,’ state governments across India took the initiative to establish fast-track courts to try cases of sexual violence against women. In September 2014, the Central Government proposed to fund the establishment of about 1,800 fast-track courts across India to try cases on specific subject matters, including sexual violence. Fast-track courts were initially established by the Central Government to dispose of long pending cases, especially sessions court cases, across a variety of subject matters using a grant from the 11th Finance Commission (2000-2005). Under the scheme for which the grant was sanctioned, a total of 1,734 such fast-track courts were established across the country. The term of this grant came to an end in 2005 and was renewed by the 12th Finance Commission for the maintenance of 1,562 existing fast-track courts for another 5 years, up to 2010. During the 2000s, the idea of fast-track courts enjoyed

¹⁰ Supra Note 2.

¹¹ Ibid.

much popularity, with the Law Commission of India making recommendations for the establishment of different kinds of fast-track mechanisms.¹²

In 2008, the Law Commission again wholeheartedly recommended the setting up of fast-track courts, which it saw as the only way to address the backlog of cheque-bouncing cases, this time, though, they were recommended as an ad hoc measure only for the clearance of backlogs and not as a permanent feature. The end of that decade saw a shift in the perception of fast-track courts, which began to be seen as purely ad hoc mechanisms for dealing with case pendency. In April 2011, the Central Government stopped funding fast-track courts, after which most of them were wound up. It is important to note here that the fast-track courts that were established with funding from the central government, were set up in a wholly ad-hoc manner without any legislative backing to lay down what the purpose of these courts would be or if they would follow any special procedures. When the Central Government took a policy decision to stop its funding for fast-track courts, the same was challenged in the Supreme Court in early 2012 in the case of **Brij Mohan Lal v. Union of India & Ors.**¹³ In this decision, the Supreme Court declined to strike down the policy decision of the Union of India not to finance the FTC scheme beyond 31 March 2011. However, the Supreme Court passed several other directions aimed at improving the justice delivery system such as expediting the trial process in regular courts and fortifying the independence of the judiciary. The Court, noting the “constitutional mandate to provide for fair and expeditious trial to all litigants and citizens of the country,” directed the States and Central Government to create additional judicial posts (equal to 10% of the existing regular cadre of the state judiciary) within three months from the date of the judgment.¹⁴

Concerning fast-track courts, the Court held that States were at liberty to either discontinue the fast-track courts scheme or to continue the fast-track courts scheme as a permanent feature, but that States may not choose to continue the scheme on an ad hoc and temporary basis. The position of the Central Government at the time was that States were free to continue with the fast-track courts scheme as long as they were able to fully fund such courts themselves. Over a year later, the December 2012 ‘Nirbhaya sexual assault case’ led to nationwide introspection on the question of the normalization of violence against women and the problems that survivors of sexual assault experienced when traversing the criminal justice system. One such exercise

¹² Jayna Kothari, Aparna Ravi, *The Myth of Speedy and Substantive Justice*, Centre for Law & Policy Research, <https://clpr.org.in/publications/the-myth-of-speedy-and-substantive-justice-a-study-of-the-special-fast-track-courts-for-sexual-assault-and-child-sexual-abuse-in-karnataka/>.

¹³ [2012] 5 S.C.R. 305.

¹⁴ Supra Note 9.

was the scrutiny of our legal system carried out under the leadership of (Retd.) **Justice J.S. Verma**. The Verma Committee published its '**Report on Amendments to Criminal Law**' on January 23, 2013, which noted that speedy justice was essential to securing the legitimacy and efficacy of the legal framework, as well as to serve as an effective deterrent to crime. It also noted that integral to this dispensation of justice was how the courts treated complainants and evidence, including medical findings, and stressed the importance of having judges and prosecutors who were sensitized to the issues involved. Following the recommendations of the Verma Committee Report and public sentiment favoring speedy justice, states were requested to set up fast-track courts for trying cases of sexual assault, by utilizing the additional judges appointed under the Supreme Court decision on fast-track courts in Brij Mohan Lal's case.¹⁵

The 14th Finance Commission (hereinafter mentioned as 'FC') had recommended the setting up of a total of 1800 FTCs during 2015-2020 for the trial of specific cases of a heinous nature, civil cases related to women, children, senior citizens, disabled, persons infected with terminal ailments, etc. and property related cases pending for more than 5 years. The FC had also urged the State Governments to utilize enhanced fiscal space available through tax devolution (32% to 42%) for this purpose. Further, the Union Government has urged the State Governments to allocate funds for the setting up of Fast-Track Courts, from the financial year 2015-16 onward. Furthermore, in pursuance to the Criminal Law (Amendment) Act, 2018, the Department of Justice is implementing a Centrally Sponsored Scheme for setting up 1023 Fast Track Special Courts (hereinafter mentioned as 'FTSCs) to provide speedy justice to the victims of rape and the POCSO ("Protection of Children from Sexual Offences) Act, 2012. The FTSC scheme was started in October 2019 and is funded under Nirbhaya Fund. At present, FTSCs are functional in 28 States/UTs.¹⁶ FTSCs are dedicated courts expected to ensure swift dispensation of justice. They have a better clearance rate as compared to the regular courts and hold speedy trials. It also strengthens the deterrence framework for sexual offenders.¹⁷

The Union Cabinet chaired by Prime Minister Shri Narendra Modi has approved the continuation of Fast Track Special Court (FTSCs) as, a Centrally Sponsored Scheme (CSS) from 01.04.2023 to 31.03.2026 with financial implication of Rs. 1952.23 crores (Rs. 1207.24 crores as Central Share and Rs. 744.99 crores as State share). Central Share is to be funded from the Nirbhaya Fund. The Scheme was launched on 02.10.2019. The Union of India

¹⁵ Ibid.

¹⁶ Shri Kiren Rijju, *Fast Track Court*, Ministry of Law and Justice, (July 29, 2022, 11:10 AM), <https://sansad.in/getFile/loksabhaquestions/annex/179/AU2132.pdf?source=pqals>.

¹⁷ *Performance of the Fast Track Special Court*, Drishti IAS, (AUGUST 29, 2023, 11:25 AM), <https://www.drishtias.com/daily-updates/daily-news-analysis/performance-of-the-fast-track-special-court>.

formulated a Centrally Sponsored Scheme to establish FTSCs for the timely disposal of cases related to rape and the Protection of Children from Sexual Offences Act (POCSO Act) in August 2019. Following the directions of the Hon'ble Supreme Court of India in *Suo Moto Writ Petition (Criminal) No.1/2019* dated 25.07.2019, the scheme mandated the establishment of exclusive POCSO Courts for districts with over 100 POCSO Act cases. Initially commenced in October 2019 for one year, the scheme was extended for an additional two years until 31.03.2023. Now, it has been further extended until 31.03.2026, with a financial outlay of Rs. 1952.23 crore, with the Central Share funded from the Nirbhaya Fund. Thirty States/Union Territories have participated in the Scheme, operationalizing 761 FTSCs, including 414 exclusive POCSO Courts, which have resolved over 1,95,000 cases. These courts support State/UT Government efforts to provide timely justice to victims of sexual offenses. even in remote and far-flung areas.¹⁸

Fast Track Courts were meant to expeditiously clear the large scale of pendency in the district and subordinate Courts under a time-bound program. A laudable objective of the five-year experimental scheme was to take up on top priority basis sessions and other cases involving undertrials. Under the government's action plan, the fast-track courts would take up as their next priority sessions cases pending for two years or more, particularly in which the accused persons had been on bail. According to an official figure, the total number of cases pending in the nearly 13,000 district and subordinate courts in the country was a whopping 2.40 crore. Out of which, over 50 lakh criminal and over 25 lakh civil cases were pending for a period ranging from one to three years. These were in addition to over 10 lakh pending session cases. The others were more than three years old. 21 High Courts accounted for over 34 lakh pending cases. Over ten percent of these were more than ten years old.¹⁹

The scheme envisaged the setting up of an average of five fast-track courts in each district of the country. State-wise distribution had, however, been done while keeping in view the pendency of cases and the average rate of disposal of cases in courts. Uttar Pradesh got the largest number of 242 additional courts, followed by Maharashtra with 187, Bihar with 183, Gujarat with 166 and West Bengal with 152. Karnataka's tally was 93, Jharkhand's 89, Andhra Pradesh with 86, Madhya Pradesh's 85, Rajasthan with 83, Orissa's 72, Tamil Nadu with 49, Uttaranchal's 45, Kerala with 37, Haryana's 36, Chhattisgarh with 31 and Punjab's 29. Assam

¹⁸ *Cabinet Approves Continuation of Centrally Sponsored Scheme for Fast Track Special Courts for Further Three Years*, Press Information Bureau, (November 29, 2023, 11:35 AM), [https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1980685#:~:text=The%20Union%20Cabinet%20chaired%20by,1952.23%20crore%20\(Rs.](https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1980685#:~:text=The%20Union%20Cabinet%20chaired%20by,1952.23%20crore%20(Rs.)

¹⁹ *Supra* Note 1.

had 20 fast track courts, Jammu and Kashmir had 12, Himachal Pradesh with 9, Goa and Arunachal Pradesh had 5 each, and Mizoram, Manipur, Nagaland, Sikkim, and Tripura had 3 each. Jammu and Kashmir and Punjab were not satisfied with the allotted number of fast-track courts. They had notified the Centre that they were to respectively establish 43 and 34 additional courts.²⁰

III. STRENGTHS OF THE FAST-TRACK COURTS

The advantages of working at the Fast-Track Courts in India can be listed as follows:

a. Lofty Disposal Rate

As of June 2023, the FTSCs have successfully disposed of more than 1.74 lakh cases related to rape and POCSO Act. This reflects the significant impact of these specialized courts in providing speedy justice to the victims of sexual offences. It also shows the high disposal rate of the cases and the high speedy rate of the delivery of justice by the Fast-Track Courts that contributes to the delivery of timely justice in the Indian judicial system. 763 FTSCs are currently functional across 29 States and Union Territories. Among these, 412 courts are exclusive POCSO Courts.²¹ The established courts, during their operational period, have successfully resolved over 1,95,000 cases. This demonstrates the efficacy of the scheme in achieving its goal of swift case disposal.²² Thus, the foremost benefit gained from the establishment of the Fast-Track Courts is the reduction in the caseload within the Indian judiciary, which was the main turning point that led to its establishment in India.

b. Cost-Effective Remedy

A unique feature of the scheme was that it would prove to be cost-effective. This was so because the new courts had been charged with the exclusive work of disposing of undertrial cases in the first year of their existence. A large majority of undertrials being those who had been booked for petty/minor offences were bound to be discharged forthwith as most of them had been behind bars for periods that were longer than the punishment warranted by the offence. In plain terms, that meant a huge saving in jail.²³ They help deliver justice, reduce the imprisoned population, and, possibly, help bring closure to victims and their families.²⁴

²⁰ Ibid.

²¹ Supra Note 16.

²² *Fast-Track Court Scheme*, IAS Gyan, (November 30, 2023, 10:20 AM), <https://www.iasgyan.in/daily-current-affairs/fast-track-court-scheme>.

²³ *Fast Track Courts*, Lok Sabha Secretariat, (July 2015, 11 AM), https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/Fast_Track_Courts.pdf.

²⁴ Kieran Correia, *Fast-track Courts in India | Explained*, Legal Bites, (February 19, 2021, 11:20 AM), <https://www.legalbites.in/fast-track-courts-in-india/>.

c. Promotes Specialization and Professionalism

The Fast-Track Courts help in the promotion of specialization in a particular field of law and showcase professionalism as the judges that preside in these courts are recruited from the different fields of society who already have a work specialization and expertise in their particular sphere.²⁵

d. Certifies Proficiency and Efficiency

Through a high disposal rate and speedy rate in the delivery of justice, the Fast-Track Courts bestow the Indian judiciary with a high quality of competence and efficacy in their functioning.²⁶ They help to promote a high level of efficiency and effectiveness in their functioning so that the delivery of timely justice can be ensured without compromising its quality.

e. Guarantees Consistency and Predictability

With high-performance rates and accommodation of professionals from different fields of society, they guarantee consistency and predictability in their justice delivery mechanism.²⁷ As the experts are recruited in one place for the speedy disposal of cases, they ensure such outputs as justice that are predictable and consistent with the standards set for the delivery of justice.

IV. WEAKNESSES OF THE FAST-TRACK COURTS

There are some of the challenges that are faced by Fast Track Courts in India can be named as follows:

a. Insufficient Infrastructure and low Disposal Rate

Inadequate infrastructure and low disposal rate lead to overburdened judges who are assigned other categories of cases in addition to their existing workload without the necessary support staff or infrastructure; Consequently, the disposal rate of cases in these special courts slows down. According to data from the Ministry of Law and Justice till May 2023, Delhi's FTSCs have a disposal rate of only 19%, which is one of the lowest in the country. Ideally, cases in these special courts should be disposed of within a year. However, as of May 2023, Delhi had only disposed of 1,049 cases out of a total of 4,369 pending cases which indicates a significant

²⁵ Jatin Verma, *Fast track Courts, JVs Study Plan*, (December 21, 2020, 12 PM), <https://www.jatinverma.org/fast-trackcourts#:~:text=Guarantees%20consistency%20and%20predictability%3A%20Fast,renders%20justice%20with%20high%20accuracy.>

²⁶ Ibid.

²⁷ Ibid.

lag in meeting the target.²⁸

b. Restricted Jurisdiction

Another limitation of these courts is their limited jurisdiction which limits their ability to deal with related cases and leads to delays in justice delivery and a lack of consistency in the application of laws. Further, prioritization of certain offences over others becomes an additional drawback to these courts working.²⁹

c. High Vacancies and Inadequate Training

Vacancies and lack of training serve as another hurdle to the functioning of fast-track courts that affects the courts' capacity to handle cases effectively. As of 2022, lower courts across India had a vacancy rate of 23%. Regular judges from normal courts are often deputed to work in FTSCs. However, these courts require judges with specialized training to handle cases quickly and effectively.³⁰

d. Compromises the Integrity of the Judicial System

In practice, the Fast-Track Courts rush immediately to the hearings and the swift delivery of justice by omitting some important stages of procedures that are crucial for the delivery of justice. This, in turn, compromises the integrity of the judicial system and the administration of justice following the specified standards for justice.³¹

e. Unnecessary Pressure

The functioning of the Fast-Track Courts, in reality, puts unnecessary pressure upon the judges, solicitors, and witnesses, who have to handle a lot of cases in a short amount of time. This hampers the quality of justice delivered as the judges have a set target that needs to be fulfilled by them in a specified period and it also increases the workload of the presiding officers in these courts.³²

Deepika Kinhal, lead (judicial reforms) and senior resident fellow at the Vidhi Centre for Legal Policy says that they have similarly heavy caseloads: "A fast track court is set up for a category of disputes... These categories themselves have a large chunk of cases. So, it is just like any other court hall in the district judiciary -- you have the court hall under individual judges who have anywhere between 50 to 100 cases listed per day." Further, she added that there are no

²⁸ Supra Note 15.

²⁹ Ibid.

³⁰ Ibid.

³¹ Supra Note 3.

³² Ibid.

changes in the legal process to enable the cases to move forward faster: "There is no element of process engineering or [abbreviated] timelines, except where it is just fixed as an ad hoc thing (for instance, for high-profile cases) --that this case will get disposed of in three months or six months--which is rarely adhered [to] because there is simply no supporting infrastructure to ensure that the timeline is met."³³

A Plan Scheme for Action Research and Studies on Judicial Reforms has been implemented by the Department of Justice under the National Mission for Justice Delivery and Legal Reforms since 2013. Under this scheme, a study on "**Evaluation of Functioning of Fast Track Courts in India**" was conducted by National Law University, Delhi. As per the findings of the study, the establishment of FTCs was not accompanied by special infrastructure, special administration, a separate cadre of staff, or relaxation of the procedure. Therefore, their work is no different from regular courts and they face the same structural difficulties as regular courts. The lack of adequate support has caused an overburdening of the FTCs.³⁴

With over 2.43 lakh POCSO cases pending trial in Fast Track Special Courts (FTSCs) as of January 31, 2023, a new research paper by the India Child Protection Fund (ICPF) has estimated that each of the over 1,000 such courts in the country are currently clearing just 28 cases on average every year, as opposed to the initially envisioned 165 cases per year. However, the research paper, titled "**Justice Awaits: An Analysis of the Efficacy of Justice Delivery Mechanisms in Cases of Child Sexual Abuse in India**," estimated: "Each FTSC was expected to dispose of 41-42 cases in a quarter and at least 165 in a year. The data suggests that FTSCs are unable to achieve the set targets even after three years of the launch of the scheme." India Child Protection Fund (ICPF), Delhi-based is a Delhi-based non-profit working against online sexual exploitation of children, passed a statement where it was said: "The scheme was supposed to deliver the legal mandate for the completion of trial of such cases within one year and yet out of the total 2,68,038 cases that were under trial, only 8,909 cases resulted in a conviction." The findings of the paper cast a huge question mark on the efficacy of the country's judicial system, the ICPF said, adding that this was despite the 2019 decision to set up the courts and the government allocating crores for this purpose in the three years since.³⁵

³³ Prachi Salve, *What's Slowing Down India's Fast-Track Courts*, India Spend, (December 11, 2020, 10:30 AM), <https://www.indiaspend.com/police-judicial-reforms/whats-slowing-down-indias-fast-track-courts-700397#:~:text=After%20nearly%2020%20years%20of,legal%20experts%20say%2C%20suggesting%20that>.

³⁴ Supra Note 13.

³⁵ The Hindu Bureau, *Fast Track Courts Disposing of Just 28 POCSO Cases Per Year on Average: Research Paper*, The Hindu, (December 10, 2023, 9 AM), <https://www.thehindu.com/news/national/fast-track-courts-disposing-of-just-28-pocso-cases-per-year-on-average-research-paper/article67622192.ece>.

V. POLICY RECOMMENDATIONS

In a set of recommendations to deal with the pendency of POCSO cases in Fast-Track Courts, the research paper titled “**Justice Awaits: An Analysis of the Efficacy of Justice Delivery Mechanisms in Cases of Child Sexual Abuse in India**” suggested that the first step would be to ensure all FTSCs are made operational and that a framework should be set up to monitor their functioning based on their output. It also suggested more of these courts should be established and that a dashboard for these courts should be made public for transparency. It added that all staff of the Fast-Track Courts from the level of investigation (that is, police personnel) to the judges should be exclusively working with these courts so the cases can be prioritized.³⁶

The following recommendations were made to improve the efficiency which includes the appointment of more experienced Judges in the Fast-Track Courts, the need for specific recommendations of the National Court Management System that apply to Fast-Track courts, judges to be put in case-specific time frames for deciding cases in these courts as suggested by the 245th report of Law Commission of India. Further, there shall be monthly meetings at the district level of all judicial officers in Fast-Track Courts to monitor their progress and ensure day-to-day hearings in a fast-track proceeding, a safe and comfortable environment for victims, especially women and children in all Fast-Track Courts in the country shall be provided by using modern technology like videoconferencing/videography, judges to be provided with proper and updated modern facilities like computers, technical staff, and internet, incentives to be given to judges for the disposal of cases which are pending for more than 5 years and vulnerable Witness Deposition Complexes (such as those established in Delhi) to be set up in other districts as well.³⁷

Trials in the Fast-Track Courts need to be finished on time for them to be more effective. To solve this, a dual approach that changes procedures as well as enhances the human capability with committed judges and capable staff in these courts, is required.³⁸ Adequate infrastructure, including courtrooms, support staff, and modern technology, should be guaranteed to Fast-Track Courts to ensure smooth and efficient operations in its working. To enhance the disposal rate, these courts should focus on strict case management, reducing unnecessary delays caused by adjournments, and ensuring the timely presentation of evidence. Specialized training for judges and support staff can help streamline procedures and enhance the speed of proceedings.

³⁶ Ibid.

³⁷ Supra Note 13.

³⁸ Supra Note 3.

Efforts should be made to fill vacancies promptly and ensure that judges with relevant expertise are assigned to these courts.³⁹ The accessibility of the Fast-Track Courts should be ensured in rural as well as urban areas which can be achieved through the establishment of mobile courts and the conducting of extensive awareness campaigns to educate the public about their benefits and processes. Technology must be integrated to streamline processes, best practices from successful models should be adopted, and continuous monitoring and evaluating their performance to identify areas for improvement can work as some useful ways in enhancing the progress and development of the Fast-Track Courts in India. It is also essential to foster a culture of efficiency and responsiveness within the legal community and society at large.

Consequently, the issue of arrears, delay, and the problem of Judicial manpower planning has attracted the attention of almost all major stakeholders including the judiciary, executive, media, policymakers, and public in general. However, despite their spurt of rising attention, the problem remains a challenge. The Law Commission in its 245th Report made some suggestions to reduce backlog and arrears in the justice delivery system which are as follows:⁴⁰

a) Disposal Rate Method

The Disposal Rate Method and formulae be followed for calculating adequate judge strength for Subordinate Courts, instead of the Judge-Population or Judge-Institution Ratio, Ideal Case Load Method, or the Time-Based Method.

b) Number of Judges to be Appointed on a Priority Basis

The data obtained from High Courts indicates that the judicial system is severely backlogged, and is also not being able to keep pace with the current filings which is exacerbating the problem of backlogs. The system requires a massive influx of judicial resources to dispose of the backlog and keep pace with current filings. The data indicates the need for taking urgent measures to increase judge strength to ensure timely justice and facilitate access to justice for all sections of society.

c) Increasing the Age of Retirement of Subordinate Court Judges

To meet the need for a large number of appropriately trained Subordinate Court Judges, the age of retirement of Subordinate judges be raised to 62.

d) Creation of Special Courts for Traffic/Police Challan Cases

Special morning and evening Courts should be set up for dealing with Traffic/Police Challan

³⁹ Supra Note 4.

⁴⁰ Supra Note 1.

cases which constituted 38.7% of institutions and 37.4% of all pending cases in the last three years, before the Subordinate Judicial Services. These Courts should be in addition to the regular Courts so that they can reduce the caseload of the regular Courts.

e) Provision for Staff and Infrastructure

Adequate provisions be made for staff and infrastructure required for the working of additional Courts.

f) Periodic Needs Assessment by High Courts

The present work is based on an analysis of institution, disposal, and pendency figures up to 2012. Over time these figures are likely to change, affecting the requirement for additional Courts to keep pace with filings and disposals. The High Courts may be required to carry out Periodic Judicial Needs Assessments to monitor the rate of institution and disposal and revise the judge strength periodically, based on institutions, disposals, pendency, and vacancy.⁴¹

VI. CONCLUSION

Fast-track courts are a useful tool to address the problem of judicial delay and pendency, but they also pose some challenges and risks to the rule of law and human rights. Therefore, they should be used with caution and discretion, and only for cases that truly warrant a speedy trial. Fast-track courts should not be seen as a substitute for the regular courts but as a supplement to them. The ultimate goal should be to improve the overall functioning and performance of the judicial system, by ensuring adequate infrastructure, manpower, resources, and reforms.⁴² For the overall system to work productively, it is important to ensure that its various components work efficiently and without any hindrance. The time is ripe for a lead agency to be established by Central and State Governments to review the functioning of courts, gauge the need for improvements, and allocate adequate resources for their functioning in a systematic and streamlined manner.⁴³

Fast-Track Courts are a special type of court that is established to expedite the judicial process and deliver justice on time. They are set up for cases that involve serious crimes, such as rape, murder, terrorism, etc., or cases that have a large public interest, such as corruption, fraud, etc. Their purpose is to decrease the backlog of unresolved cases and enhance the effectiveness of the legal system. They prevent the criminals from committing new crimes and offer victims

⁴¹ Ibid.

⁴² Supra Note 16.

⁴³ *Status of India's Fast Track Courts*, Current Affairs for UPSC IAS, IAS Score, (August 17, 2019, 10 AM), <https://iasscore.in/current-affairs/mains/status-of-indias-fast-track-courts>.

and their families with prompt justice. Although fast-track courts can be a successful tool in combating judicial backlogs and delays, they additionally create some difficulties and threats to human rights and the rule of law as well. As a result, they need to be cautious and careful in situations where a prompt trial is necessary. Fast-track courts are meant to be used in addition to regular courts, not as a replacement for them. The ultimate objective should be to guarantee sufficient infrastructure, staffing, funding, and changes to enhance the judicial system's overall performance and functionality.⁴⁴

Fast-track courts are important in delivering justice in India. While we can witness many success stories, challenges such as inadequate infrastructure and concerns about due process should not be overlooked. To overcome these challenges, increased funding, resource allocation, and training for judges and court personnel are essential. These specialized courts have not only reduced the backlog of cases but have also increased public faith in the judicial system. They should be retained as a crucial tool for delivering justice.⁴⁵ Fast-Track Courts represent a valuable component of the Indian judicial system while embodying the principles of accessibility, efficiency, and timely justice. By addressing the challenges and embracing their strengths, they continue to play a pivotal role in delivering speedy justice and contributing to a more equitable and effective legal system.

Fast-Track Courts through their expedited procedure, can bring about a significant change in the Legal system. However, in the Indian context, the establishment of Fast-Track Courts has largely been done to appeal to popular sentiments, and these courts have been limited to ad hoc cases involving gender-based crimes, while other foreign jurisdictions have used them to resolve civil/commercial disputes as well. However, it has been time and again recognized that such Courts have their limitations and are by no means the only solution to impart 'quick justice', especially in the absence of systematic changes in substantive/procedural law and the Indian socioeconomic scenario.⁴⁶

⁴⁴ Supra Note 3.

⁴⁵ Satya Sruthi Pakalapati, *Efficiency of Fast Track Courts in India*, The Legal Quorum, (November 11, 2023, 11 PM), <https://thelegalquorum.com/fast-track-court/>.

⁴⁶ Ajay Pal Singh, *Fast Track Courts in India: Past, Present and Future*, International Law Management & Humanities, Volume 4 Issue 4, PP. 696, <https://doi.org/10.1000/IJLMH.111352>.