

## ANALYSIS OF FAST TRACK COURTS IN INDIA

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### ABSTRACT

*This article presents a comprehensive analysis of Fast Track Courts (FTCs) in India, established to expedite the judicial process and alleviate the chronic backlog of cases plaguing the conventional court system. The inception of FTCs can be traced back to the early 2000s, driven by the urgent need to deliver swift justice, especially in cases involving serious offenses and vulnerable groups. This study delves into the historical context and evolution of FTCs, examining their operational framework and legislative backing. The analysis highlights the significant impact of FTCs on the judicial landscape, noting improvements in the speed of case disposal and increased accessibility to justice. However, the study also identifies several challenges that impede the full potential of FTCs. Key issues include inadequate funding, insufficient infrastructure, and the scarcity of judicial officers dedicated to FTCs. These factors contribute to inconsistent performance across different states and regions. Furthermore, the article explores the procedural and administrative hurdles faced by FTCs, such as the lack of a standardized protocol for case allocation and the overlapping jurisdiction with regular courts. The study employs a mixed-methods approach, incorporating quantitative data from official court records and qualitative insights from interviews with legal experts, judges, and practitioners. The findings underscore the need for a multi-pronged strategy to enhance the effectiveness of FTCs. Recommendations include increasing financial allocations, improving infrastructure, and implementing a robust recruitment and training program for judicial officers. Additionally, the study advocates for the integration of technology in court processes to streamline case management and reduce delays. FTCs have made notable strides in addressing judicial delays, sustained efforts and reforms are essential to overcome existing challenges and ensure the delivery of timely and equitable justice. This article contributes to the ongoing discourse on judicial reforms and underscores the critical role of FTCs in the Indian legal system.*

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**Keywords:** Fast-Track Courts, Justice System, Judicial Reforms.

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### Introduction

Article 21 ensures fair and just procedures and thus implicitly guarantees speedy trials as fundamental rights. It states that no one shall be deprived of his life or liberty except in accordance with the procedure established by law. This Constitutional Article inherently includes right to a speedy trial. In **Babu Singh v. State of U.P.**<sup>1</sup>, the court remarked, "our justice system in grave cases, suffers from slow motion syndrome which is lethal to 'fair trial' whatever the ultimate decision." A Constitutional bench of Supreme Court unequivocally construed the right of speedy trial as a fundamental right. "The concept of speedy trial is read into Article 21 as an essential part of the fundamental right to life and liberty

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<sup>1</sup> (1978) 1 SCC 579, AIR 1978 SC 527, 1978 SCR (2) 777.

guaranteed and preserved under our Constitution”<sup>1</sup>. In *Hussainara Khatoon v. Home Secretary, State of Bihar (1979)*, the Supreme Court Ruled that the right to a speedy trial is a fundamental right that is implicit in the right to life and personal liberty. The court also ruled that the state has a constitutional obligation to ensure a speedy trial. The prolonged delay in justice system somehow breaches the right to get quick justice that is “justice delayed justice denied” which means justice should not be delivered only, justice should be delivered on time. Crimes like rape, murder, kidnapping etc. are required to be solved quickly otherwise there would be no meaning of justice when it takes so many years. This can be probable only when the judicial proceedings starts on time, timely hearing the cases and the need to establish a mechanism which can be helpful to reduce long pending cases and delayed proceedings.

### Brief History of Fast-Track Courts

For the purpose to ensure speedy trial, the concept of fast-track courts came into the criminal justice system. Fast-track courts were first proposed by the 11th Finance Commission for the purpose of disposing of long-standing litigation that was clogging up the Indian judicial system. These were first set up in 2000 for a period of five year. In *Brij Mohan Lal v Union of India*, the Supreme Court observed that FTSCs should not be disbanded all of a sudden and that they should be continued by the government. Consequently, the government extended the lifespan of these courts for another five years.<sup>2</sup> Fast Track Courts have often been proposed as a solution to the long backlogs that hinder the functioning of “normal” courts in India, particularly at times when crime is either perceived to be rising or is actually rising. Following a number of high-profile incidents of this type in recent years, starting with the December 2012 “Nirbhaya” gang rape and murder case, fast track courts are increasingly being proposed as a means of ensuring justice and deterrence in cases of sexual violence against women.<sup>3</sup> In order to facilitate the establishment and operation of the FTC, both the central and state governments have been enacting and changing laws. These actions were added, funding was provided to the states for the establishment of FTCs by the Finance Commission Act 11th, and later legislative actions clarified the jurisdiction, authority, and workings of these tribunals. 1,734 of these fast-track courts were set up nationwide in accordance with the plan for which the funding was approved. This grant's tenure ended in 2005, but the 12th Finance Commission extended it for an additional five years, until 2010, to maintain the 1,562 fast track courts that were already in place.<sup>4</sup>

The Law Commission of India made proposals for the creation of various fast track methods throughout the 2000s, when the concept of fast-track, courts was very popular. For instance, the Law Commission's 188th report from 2003 suggested creating a fast-track commercial division at each High Court as a long-term fast-track procedure to handle high-value commercial disputes.<sup>5</sup> The idea of fast track courts changed by the end of that decade, when they were perceived as just ad hoc procedures for handling pending cases. The majority of fast track courts were wound up after the Central Government stopped funding them in April 2011.<sup>6</sup> It is essential to take into account that the fast track courts, which were created with central government funding, were entirely ad hoc in nature and lacked legislative support to specify their goals or whether they would adhere to any particular **procedures**. Early in 2012, in the case of *Brij Mohan Lal v. Union Of India & Ors*, the Supreme Court heard a challenge against the Central Government's policy decision to cease funding fast track courts.<sup>7</sup>

After December 2012 gang rape and murder, Delhi High Court directed the state government to establish five FTCs for expeditious adjudication of sexual assault cases. In 2013, the United Progressive Alliance Govt at the Centre set up “Nirbhaya Fund” amended the juvenile Justice Act and set up fast track Mahila Courts. Some other states, such as Uttar Pradesh, Jammu and Kashmir, Bihar, etc, also set up FTCs for rape cases thereafter.

The Supreme Court of India held that states have the liberty to either discontinue or make the fast track courts a permanent feature. However, states cannot continue the scheme on an ad hoc and

<sup>1</sup> Kartar Singh v. State of Punjab, (1994) 3 SCC 569, JT 1994 (2) 423, 1994 SCALE 1.

<sup>2</sup> <https://www.legalbites.in/fast-track-courts-in-india/>

<sup>3</sup> <https://legalonus.com/analyzing-the-efficacy-of-fast-track-courts-in-india/>

<sup>4</sup> “Brief note on the scheme of ‘Fast Track Courts’”, Department of Justice, Ministry of Law and Justice, <http://doj.gov.in/?q=node/108>

<sup>5</sup> “Proposals for Constitution of Hi-Tech Fast – Track Commercial Divisions in High Courts”, Law Commission of India, December 2003, [http://lawcommissionofindia.nic.in/reports/188th %20report.pdf](http://lawcommissionofindia.nic.in/reports/188th%20report.pdf)

<sup>6</sup> [2012] 5 S.C.R. 305

<sup>7</sup> [https://clpr.org.in/wp-content/uploads/2015/06/Fast-Track-Court\\_final.pdf](https://clpr.org.in/wp-content/uploads/2015/06/Fast-Track-Court_final.pdf)([https://clpr.org.in/wp-content/uploads/2015/06/Fast-Track-Court\\_final.pdf](https://clpr.org.in/wp-content/uploads/2015/06/Fast-Track-Court_final.pdf))

temporary basis. The Central Government's position 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.

In 2019, the government led by Narendra Modi announced an initiative to establish 1,023 fast-track special courts (FTSCs) around the country to expedite the trial of occurring rape cases under the IPC and crimes under the POCSO Act<sup>1</sup>. In July 2019, the Supreme Court also mandated the establishment of a centrally sponsored special court in each district where more than 100 FIRs have been registered under the POCSO Act, to deal only with these cases.

### Need to establish Fast-Track Courts

Some of the reasons why Fast Track Courts were introduced:

- **Huge backlog of court cases:** Delayed justice for years due to a significant backlog of court cases. So much burden of cases in session courts and high courts, eventually the new registered case will also be listed in files and the number of pending cases are increasing day by day. The FTCs aided in the quick resolution of pending matters.
- **Prolonged incarceration of under trials:** in prisons for petty offences due to delayed trials also led to injustice. Sometimes, the punishment for the offence is lesser than the period of pending trials. The FTCs facilitated the release of under trials from jails after speedy trials.
- **Delayed justice in sensitive cases:** like dowry deaths, rapes and communal riots which affected the society and victims. The FTCs ensured swift justice in these cases.
- **Lack of adequate number of judges:** the Court infrastructure which led to overburdening of existing courts. The FTCs eased the workload of regular courts by designating specific courts, resources can be more effectively allocated, allowing for better management of case loads.
- **Public dissatisfaction with the judicial system:** due to delayed trials and justice, public trust is damaged. The FTCs restored people's faith in the Indian judiciary by delivering speedy justice. Faster resolutions can improve public trust in the legal system, demonstrating that justice is being served effectively.

Fast Track Courts (FTCs) in India were introduced to alleviate the backlog of pending cases in district courts. Their primary goal is to expedite trials and dispose of cases within six months by following relaxed procedures and limiting adjournments. FTCs are exempt from certain provisions of the Code of Criminal Procedure (CrPC), allowing for written statements from non-essential witnesses and more flexibility in the framing and alteration of charges. Typically, only two adjournments are allowed for either party to avoid unnecessary delays. FTC cases are prioritized over regular cases to ensure swift justice. These courts operate with a single judge, selected from district or additional district judges, which further accelerates the trial process.

Fast Track Special Courts (FTSCs) were established in India to expedite the trial process for cases involving sexual offenses, particularly those under the Protection of Children from Sexual Offences (POCSO) Act. These courts were introduced following the Criminal Law (Amendment) Act, 2018, which provided for stringent punishments, including the death penalty for rape. The scheme for FTSCs was launched in 2019 and has been extended multiple times, with the latest extension running until March 31, 2026<sup>2</sup>.

FTSCs aim to provide immediate relief to victims by ensuring swift justice. Each court comprises one judicial officer and seven staff members. As of December 2024, there are 747 FTSCs, including 406 exclusive POCSO courts, operational in 30 states and union territories<sup>1</sup>. These courts have disposed of over 299,000 pending cases. Despite their establishment, FTSCs face challenges such as high trial pendency rates due to a lack of infrastructure and judges. In 2022, 239,188 out of 268,038 cases filed under the POCSO Act were still awaiting trial. The average time taken to dispose of a POCSO case in FTSCs is around 509.78 days.<sup>3</sup>

### Issues and Challenges with Fast-Track Courts

*"Fast in Letter but not in Spirit"* As the ultimate motive to create fast track courts is to provide speedy justice and decrease the burden from the courts, but whether these courts work really fast? If not, then there is no meaning to allocate the fund to establish fast track courts, if cases will be pending in fast-

<sup>1</sup> <https://www.indiaspend.com/police-judicial-reforms/whats-slowing-down-indias-fast-track-courts-700397>

<sup>2</sup> Fast Track Special Courts (FTSCs) | Department of Justice | India

<sup>3</sup> <https://doj.gov.in/fast-track-special-court-ftscs/>

track procedure like ordinary courts, then what will be the difference between them? Fast track courts in Delhi dispose of a case in 122 days on an average, while a regular court takes 133 days, it seems both the courts working in same duration, here are some challenges in establishing fast track courts:

- **Non-Uniformity in type of cases:** what kind of cases will go into fast track, cases or criteria of fast-track courts is not provided, categorization of crimes is needed, it is crucial to decide which case should be in fast track, however every case is required to be disposed of in particular time, right to speedy trial is a fundamental right of every individual. Cases like rape, murder, POCSO, are advised to be proceeded quickly. Similarly, cases of Negotiable Instruments Act, civil cases related to property, divorce and custody, dowery harassment etc. Lack of criteria of cases is a challenge to determine.
- **Infrastructural Issues:** Lack of Dedicated Infrastructure slows down the procedure many FTCs are housed in existing court buildings without any dedicated infrastructure. This often leads to overcrowding and inadequate facilities. FTCs frequently suffer from a shortage of judicial and administrative staff, which can delay proceedings and reduce the overall efficiency of the courts. Inadequate Technological Support is often a lack of modern technological support, such digital case management systems and video conferencing facilities, which are essential for the smooth functioning of FTCs
- **Procedural delay:** delayed proceedings also one of the major problems with FTCs. Across the session courts and the district courts delayed due to absence of witness was seen as one of the main resource reasons for adjournments as well as incomplete list of witnesses in the charge sheet. Non availability of police witnesses due to preoccupation with other duties, etc. besides this, investigation process takes too long to submit evidences, so that FTCs could not pass judgments quickly. Delay in receiving reports from forensic science laboratories also affects the efficiency of the fast track courts.
- **Overburdened judges:** the legal responsibility of judges got double while hearing fast track cases they have to manage FTCs as well as regular courts, judicial vacancies are not filled in subordinate courts, small number of judges dealing with larges number of cases leads to over burden on judges and somehow it effects the quality of judgments. According to Ministry of Law and Justice, as far as High Courts are concerned, the sanctioned strength is 1114 judges among which 785 judges are working and 329 posts of judges are vacant<sup>1</sup>. Judges are already burdened with pending cases in that situation how will they proceed in fast-track courts.
- **Inconsistent Implementation:** the differences in the establishment of fast-track courts and functioning across various regions, which can significantly affect the implementation. Different states may have their own laws and guidelines governing fast track courts, leading to inconsistencies in how cases are handled. Some jurisdictions may allocate more resources, such as funding, personnel and facilities than others, resulting in disparities in case management and speed of resolution creates difficulties. Different jurisdiction might prioritize different types of cases. (Eg. criminal v. civil), which can affect how quickly justice is served in a specific area. Lack of public awareness about fast-track courts also affects the implementation.
- **Financial issues:** Many fast-track courts operate with limited budgets, affecting their ability to hire adequate staff, provide necessary training and maintain infrastructure. The expenses related to running these courts, such as technology for case management and facilities, maintenance may not be adequately covered. Budget constraints often result in fewer judges and support staff, which can lead to increased workloads and delayed case resolution. However, 14<sup>th</sup> Finance Commission endorsed to set up 1800 FTCs at a cost of Rs. 4144 crores. It was also urged the State Governments to utilize the enhanced devolution of central taxes from 32% to 42% to this effort<sup>2</sup>.

## Conclusion

Every individual has fundamental right of speedy trial enshrined in Art. 21 of Indian Constitution. long pendency of cases defeat justice and if justice is not served, violates the fundamental right. Setting up the Fast-track Courts aimed to reduce burden from courts and provide speedy justice to the individuals. Central govt although initiate the establishment of FTCs but it is duty of the States to

<sup>1</sup> <https://pib.gov.in>

<sup>2</sup> <https://dashboard.doj.gov.in/fast-track-court/>

establish FTCs in their respective area and manage the funds to assist High Courts in dealing with overburdened cases. First it should be clarified that what cases should be disposed in fast-track courts whether cases pending since long time or cases involving public at large should be considered to be tried in FTC. On the other hand, sexual offences, POCSO cases, human trafficking, kidnapping cases etc., whether these cases should be prioritized. If the regular courts dispose the cases on time, the pendency can be reduced. After discussing objective and issues with FTCs, it is to conclude that justice should be given utmost priority over all the facts.

### **Suggestions**

For effective functioning of FTCs, every State Government should establish and manage the fast-track courts. Cases should be determined and prioritized and fast procedure should be adopted without compromising the justice. Investigation process should be completed on time so that Judges do not have to wait for evidences and charge sheet. Staff should be increased in Courts and skilled and experts should be approached in respective fields. Periodic monitoring should be conducted on the functioning of fast-track courts. Coordination must be established between conventional courts and fast-track courts. Government should ensure adequate and consistent funding for fast-track courts.

