FAST-TRACK COURTS ARE NOT FAST ENOUGH IN ADMINISTERING JUSTICE.

Priya Gupta
0811priya.gupta@gmail.com
Galgotias University
Rashi Sharma
rashich.sharma09@gmail.com
Galgotias University

ABSTRACT

According to the old saying, "justice delayed is justice denied," which is the basis for the idea of a Fast Track Court. Unsettled and unresolved large number of cases and slow-going judicial process has always been a problem faced by Indian Judicial System. To combat the issue Fast-track courts were set up. Fast Track Courts (FTCs) are an ambitious attempt to address the time-sensitive need for case resolution. They were set up by state government and are functioned under it. About Fast Track Courts, it's history, mission, and procedures are described in this article. This essay argues that FTCs are ineffectual by citing statistics and the opinions of legal experts. The most serious problems that FTCs cause are also discussed in this paper. Consensus holds that these tribunals are not noticeably different from other regular Indian courts. In the end paper tries give suggestions which can be helpful in achieving the objective for which the fast-track courts were initially set up

INTRODUCTION

Fast Track Courts are commonly convened to hasten the conclusion of certain sorts of cases, such as those involving sexual assault or POSCO. These were established by state governments after consulting with state supreme courts (High court). The 11th Finance Commission recommended the establishment of 1,734 FTCs across the country to deal with the backlog of pending cases. The programme was originally scheduled to last for five years, from 2002–03 to 2004–05; however, it was renewed for a further five years, until 2010–11. About 33 lakh open cases were closed by FTCs during that time. A total of Rs.870 crore was allocated to FTCs by the Central Government to the States between the fiscal years 2000-2001 and 2010-2011.

On April 19, 2012, the Supreme Court of India issued a ruling in the case Brij Mohan Lal vs. Union of India & Others[1] remarked individual states had the right to decide whether to abolish the FTCs system or to maintain it in place indefinitely. Some states have decided to leave the Scheme.

The Union Government proposed a budget of Rs.9749.00 crore to enhance the judicial system, and the 14th Finance Commission accepted the plan. Costing a total of Rs.4144.00 crore over five years, this plan includes the development of 1800 FTCs to assist the elderly, women, and children. The Commission recommended that State Governments use the new revenue they get through tax devolution to meet these commitments. Because of this, several jurisdictions have abandoned the FTCs' initial proposal. Disputes in these areas are often resolved through the traditional judicial system. According to Department of Justice, 9,23,492 cases are pending throughout 956 FTCs in 24 states and the Union Territories(May 2021).

The government under Narendra Modi approved a plan to construct 1,023 specialised courts in 2019 to speedily decide cases of rape under the Indian Penal Code (IPC) and offences under the Protection of Children from Sexual Offences Act (POCSA).

OBJECTIVES OF FTCs

The primary goal of fast-track courts is to minimise the backlog of cases, lighten the workload of conventional courts, and deliver convictions more quickly. Compared to a traditional trial court, a fast-track court has some unique characteristics.

Each case assigned to a fast-track court must be resolved by a certain date, and FTCs are expected to conduct all necessary cross-examinations of witnesses in a single trial wherever possible. Certain specific types of cases are designated for the fast-track courts. FTCs are the most stringent in their business, and they will not postpone a hearing because of a delay in the drafting of documents such as summonses, warrants, etc.

By using these innovations, the specialised courts hope to expedite trial times in comparison to traditional ones. The FTCs' unique characteristics haven't been able to do what they set out to do.

FAST TRACK COURTS ARE NOT THAT FAST

Even though creating Fast Track Courts would need only a little commitment of resources, most states have given up on the idea.

[1] Brij Mohan Lal V. Union of India & Ors.,[2012] 5 S.C.R. 305

The Hindustan Times[2] provides supporting evidence. According to the 2018 report on crime in India published by the National Crime Records Bureau (NCRB), only 22% of the more than 28,000 trials completed in India's fast-track courts in 2018 were completed in less than a year. Of these trials, almost 40% lasted more than three years, and 17% lasted more than five.

Established in the early 2000s, fast-track courts were meant to speed up the legal process, but they have yet to deliver on this promise. According to National Crime Records Bureau (NCRB)[3], over eighty-one per cent of the 26,965 cases concluded by fast-track courts and sixty-nine per cent of the 17,155 cases disposed of by POCSO courts in 2019 took between one and ten years to reach trial. Daksh's research [4] discovered that a fast-track court in Delhi can decide a case in 122 days, whereas a regular court takes 133 days. Based on the facts, it appears that FTCs are in the same or worse shape than other courts.

Retiring Justice H Suresh of the Bombay High Court has said, "the meaning of Fast Track Courts is vague." As a result, it appears that the case will be heard soon. The procedure, the applicable legislation, and the time given for cross-examination are all the same as they have always been. It is planned that the court will hear exactly these types of matters in chronological order. The distinguished judge further said that the Delhi gang rape that occurred in December 2012 took place in the FTC and was under trial for nine months.

"The term fast-track is deceptive because the designated courts need to conform to the wide norms of a fair trial," Madhu Mehra, executive director of Partners for Law in Development, stated. There are other elements at play besides court adjournments and extended hearing dates that contribute to delays in the legal system. We must take into account the police and forensic laboratories and also any other organisations that may have relevant information for the courts. Issues may emerge if the defence lawyers delay their feet, the forensics experts aren't ready on time, the judges are transferred, or the charge sheets aren't prepared on time. However, the assertion that India has an astonishingly low ratio of judges to residents is genuine, and this slows down the pace with which issues can be addressed in court.

The NCRB's findings and the views of legal experts bear out the fact that the Fast Track Courts are moving at a glacial pace. The actual proceedings matter more than their formal name suggests for the speedy resolution of issues. We can conclude that it is irrelevant whether a system is designated as a

[2] on 10 January, 2020
[3] https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Table%2018A.5_1.pdf
[4] Final Report On The Pilot Project By High Court Of Delhi, Pg.30, http://delhihighcourt.nic.in/writereaddata/Upload/PublicNotices/PublicNotice_3MRRIN3QTHN.PDF

Fast Track Court or not because any system that determines to do its job well can provide quick judgements.

Justice Krishna Iyer wrote in the case Babu Singh v. the State of Punjab[5] that "speedy justice is a component of social justice since the community, as a whole, is concerned in the criminal being punished within a reasonable time and the innocent being absolved from the inordinate ordeal of criminal proceedings." The effectiveness of Fast Track Courts can also be evaluated according to other criteria, such as the fairness of its judgments. It has been reported that in Fast Track Courts, to speed up the conclusion of cases, innocent persons have been wrongly implicated. While those who have been wrongly accused or victimised may find immediate relief in the fast justice, they should keep in mind that hurried justice will jeopardise these benefits. It has also seen that many fast track cases are further appealed to higher courts as the parties of the cases are not satisfied by the judgement.

MAJOR FALLOUTS OF FAST TRACK COURTS

1. The Fast Track Courts are special tribunals with no additional powers. An unrealistic expectation is that a Fast Track Court will operate under the same laws and procedures as a regular court while nevertheless making decisions more swiftly.

- Recent changes to Section 309 of the Criminal Procedure Code have established a deadline of two months (60 days) for the disposal of rape cases.
- However, typical processes in such instances require a lot more time. Once a piece of information is filed, the next steps in a rape case are to formulate charges, present evidence, and reach a verdict. Research conducted in 2019 by the civil society organisation Daksh[6] indicated that the evidence stage accounted for an average of 65 percent of the total time spent by a fast-track court in Delhi. This phase involved recording statements from all parties involved: the prosecution, the accused under section 313, and the defence.
- Sometimes counsel and witnesses fail to show up to planned sessions or witnesses are unavailable for cross-examination, in such situations fast-track courts are no different from conventional trial courts other than the name.

2. Most Fast Track Courts have insufficient personnel and outdated facilities. Inadequate processes for acquiring evidence and technological support plague these tribunals.

5 Babu Singh v. State of U.P., (2005) 9 S.C.C. 741.
6 [6]Final Report On The Pilot Project By High Court Of Delhi, http://delhihighcourt.nic.in/writereaddata/Upload/PublicNotices/PublicNotice_3MRRIN3QTHN.PDF

- Although the original design for FTC called for the hiring of judges and the installation of state-of-the-art courtrooms, libraries, and technological amenities, it appears that none of these changes was ever made. Because of this, they are still using the same infrastructure that existed when they originally arrived. Once again, it seems like a pipe dream to have a speedy trial because of the unclear technological support that should be provided to an FTC. This problem is exacerbated in some FTCs by a shortage of reliable employees.

3. Most appointed judges are already serving on the bench in session court and have been given the authority to hear cases quickly. Traditional court proceedings place a heavy burden on judicial staff, who face similar constraints due to time and resource constraints at similar moments. If judges are only given a few cases at a time, they will be able to hear them every day and schedule shorter hearing dates, speeding up the process of cross-examining witnesses. The inefficiency of these courts is exacerbated by issues like frivolous adjournments and lengthy waits for reports.

- For justice to be served quickly and fairly, special courts should take a comprehensive approach. Always keep in mind that delivering justice too quickly is like burying it.

SUGGESTIONS FROM INTERNATIONAL MODELS

Several suggestions influenced by the specialised courts of the United Kingdom and the United States are discussed in this chapter. While India's legal system has the foundations in place, it may use some tweaks.

Following the U.K.'s example, it is critical to explicitly define a more streamlined process for special courts. As an added measure, India needs to make it crystal clear what types of cases can be transferred to these courts.

Fast Track Courts are now supported by grants from various state governments. Each state's government is ignoring the issue. Either this needs close monitoring, or the federal government should take it up again for the sake of continuity.

We may learn how to build public trust in the justice system by looking at the United States as an example. Similarly, it facilitates communication between the public and the justice system.

Superior efficiency can be achieved, for instance, when specialised courts are staffed by judges with specific expertise in their respective fields. For instance, POCSO courts may use judges with specialised expertise in this area. As an option, pre-employment training and education for prospective Fast Track court judges could help.

CONCLUSION

The flaws of our judicial system are reflected in the rising crime rate in India. A perfect judicial system requires not only a fair and rational judgement but also prompt execution of that verdict. The times when speedy justice is warranted and the times when it is not should be made crystal clear. India's Fast Track Courts need a thorough plan if they are going to see any genuine improvement. In many ways, India already has the foundation for a great legal system. Preparedness and effective use of resources allows for better results.

Prompt and fair trials are impossible outside of a fast-track judicial system when time is of the essence. To get there, we'll need to reorganise the judicial system as a whole and also increase the human capacity of these courts by hiring more judges and legal experts. Fast-track courts require dedicated judges so that cases may be addressed often, and competent workers, such as stenographers and clerks, can help process evidence and serve notifications to witnesses and investigating officers, saving a tremendous deal of time.

Even though there has been an increase in both the number of courts and funding for their operation, costs continue to rise. However, the government has failed to address serious issues with the judicial system. Some states may only refer cases involving sexual offences or rape to FTCs, while others may prefer a wider variety of crimes to these authorities. Hence, over work for FTCs is the end outcome. Determining what kinds of cases can be considered in a Fast Track Court and how they will be funded is essential. An interagency approach could be adopted to better maintain and operate Fast Track Courts. Better results are contingent on more people getting involved in the effort.

RECOMMENDATION

1. Make necessary changes as suggested
2. Kindly write the abstract in 150-200 words.