Evaluation of Fast Track Courts

What is the issue?

- In 2017, Fast-track courts (FTCs) in only 6 states managed to dispose 50% of their cases within a year.
- In this backdrop, here is an overview of the evolution and the performance of Fast Track Courts in India.

How did FTCs come up?

- The Eleventh Finance Commission's report was submitted in 2000, and the recommendations were for 2000 to 2005.
- The report noted that there was a pendency of about 2 crore cases in the district and subordinate courts of the States in India.
- The FC recommended a grant of around Rs. 500 crore for creation of additional courts specifically for the purpose of disposing of the long-pending cases.
- This will enable the States to create 1,734 new additional courts.
- Though the Eleventh Finance Commission did not use the expression, these 1,734 courts were fast track courts (FTCs).

How did FTCs evolve?

- In consultation with High Courts, state governments were supposed to establish FTCs.
- FTCs were meant to be till March 31, 2005.
- By that date, state governments notified 1,711 FTCs, and 1,562 were functional.
- Per FTC, the all-India average of cases disposed per month was 15.
- Originally, this was meant to be a per judge norm, not a per FTC norm.
- **Continuance** - In a case (Brij Mohan Lal vs Union of India), the Supreme Court instructed that FTCs should not be disbanded overnight.
- Hence, the Union government approved Rs. 509 crore for the 1,562 functional FTCs to continue till March 31, 2010.
- This deadline was later extended till March 31, 2011.
- The Union of India stated that it would not, in any case, finance expenditure of the FTC Scheme beyond this deadline.
- However, some of the States have resolved to continue the FTC Scheme up

to 2012, 2013 and even 2016.

- A few States are even considering the continuation of the FTC Scheme as a permanent feature in their respective States.
- **Complexity** - The decision of some states to continue with FTCs has created an anomaly in the administration of Justice in the States and the entire country.
- This meant that while some States continued the Scheme, others were forced to discontinue or close it because of non-availability of funds.

Are FTCs effective in fulfilling their objective?

- On ground, the performance widely varied among the states.
- On December 31, 2018, there were 699 FTCs (some earlier ones having been closed down).
- These were for cases against women, children, senior citizens, differently abled, those with terminal ailments, and civil property disputes more than 5 years old.
- FTCs are rightly considered to be fast if they dispose the case transferred to them within a year.
- But, out of the cases disposed in 2017, J&K, Jharkhand, Karnataka, MP, Rajasthan, and TN are the States/UTs whose FTCs disposed of at least half their cases within one year.
- On the other hand, of the 6,704 cases completed in FTCs in Bihar in 2017, 2,507 cases took more than 10 years, and 1,655 cases took between 5 and 10 years.

Source: Financial Express

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