The Argument against Fact-track Courts

Why in news?

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The Supreme Court has directed the government to set up fast-track courts to exclusively deal with cases involving politicians holding public office.

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How was the directive received?

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- The SC directive was in response to a PIL petition that sought to weed out criminals in politics at the earliest.
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- While the government agreed to set-up 12 special courts for the same, some voiced dissent in the parliament as this would single out politicians from the rest.
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- Civil society at large sees the intention of the government to introduce greater accountability and to depoliticise criminal accusations is worthy.
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- But there is also concern that the fast-track courts have been largely ineffective and unconvincing.
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What are the specifics of fast-track courts?

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- The first such fast-track courts were introduced in 2000, following a suggestion from the Eleventh Finance Commission.
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- At that point, 1,734 fast-track courts were set up to help clear pending cases, which were choking the judicial system.
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- Despite tenure being extended in 2005 and yet again in 2010, they did not

make as much headway as was hoped in fixing the problem of pendency.
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- Also, existing fast-track courts been found to be more susceptible to having their verdicts overturned on appeal.
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- So, expanding their number and scope would look like institutionalising the miscarriage of justice.
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- Also, there are already multiple experiments with fast-track courts that have not materially changed the quality of justice available in India.
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- Experience aside, fast-track courts can be questioned even in terms of principle as Justice should have no favourites.
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What needs to be done?

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- Setting up fast-track courts whenever a particular problem is brought to its notice enables the government is ducking its responsibility to reform overall judicial reform.
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- The regular justice system to work more swiftly and surely and all cases need to be addressed speedily.
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- Administrative reform of the courts and professionalization of their management is an important first step.
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- Judicial appointments should be stepped up, and funding should not be as constrained as is the case at present.
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Source: Business Standard

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