

THE EFFICACY OF FAST TRACK COURTS IN INDIA: AN ANALYSIS OF EFFICIENCY AND JUSTICE DELIVERY

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Abstract

This paper evaluates the efficiency of India's Fast Track Courts (FTCs), specifically evaluating their efficiency and justice delivery mechanisms. FTCs have been a significant judicial reform initiative in India. Through analysis of Quantitative data on case disposal rates, qualitative evaluating judgements, and comparative evaluation with regular courts, this research assesses whether FTCs have succeeded in their primary objectives. The Findings suggest that while FTCs have shown modest improvements in disposal rates, they continue to face systematic challenges including Infrastructure Deficiencies, Resource Constraints, and procedural complexities. This paper proposes policy recommendations to enhance the effectiveness of FTCs within India's broader judicial framework, emphasizing the need for balanced consideration of both efficiency and substantive Justice.

Keywords : Fast Track Courts, Indian Judiciary, Judicial Efficiency, Case pendency, Access to Justice

Introduction

The Indian Judiciary has long grappled with an overwhelming backlog of cases, with approximately 47.2 million cases pending across various court levels as of early 2024. Access to justice has been severely harmed as a result of this massive pendency, with litigants often waiting years or even decades for resolution of their disputes. Justice delayed is Justice denied, that's one aspect of Fast Track Courts, but equally justice hurried is justice buried. You have to draw up a reasonable mean between the two.³

One of the most significant structural responses to this crisis are Fast Track Courts (FTCs). Fast Track Courts were first developed for the first time in India⁴ in 2000 in response to the recommendations of the 11th Finance Commission as a means of temporarily reducing pendency. However, their continuance and expansion over the years demonstrate their perceived importance in India's Judicial System. Currently, specialized Fast Track Courts

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³ Joana Sugden and Tripti Lahiri, 'Q&A: Asaram Bapu's Lawyer Ram Jethmalani' (India Real Time, The Wall Street Journal Blog, 11 October 2013) accessed 11th December 2024.

⁴ Department of Justice 'Brief Note on the scheme of Fast Track Courts (Non-Plan)' (Ministry of Law and Justice, Government of India) accessed 15th December 2024.

operate across various domains, including sexual assault cases, matters involving senior citizens and financial crimes.

The purpose of this research paper is to critically examine whether Fast Track Courts have accomplished their intended goal of enhancing efficiency without compromising the quality of Justice Delivery. The study employs a mixed-methods approach, evaluating Qualitative Assessments of Substantive Justice and procedural fairness alongside statistical data on disposal rates. This paper aims to contribute to the ongoing discourse on Judicial Reforms in India and provide evidence-based recommendations for optimizing the Fast Track Court model.

Historical Evolution and Institutional Framework

The concept of Fast Track Courts in India emerged formally in 2000 when the 11th Finance Commission recommended the establishment of 1,734 FTCs for a five- year period to address the alarming backlog of cases. The central government initially allocated Rs. 502.90 crores for this initiative under Article 275 of the Constitution of India. The first Fast Track Court in India was inaugurated on 1st April 2001 in the Hyderabad City Civil Court premises in Andhra Pradesh by Honourable Justice Mr. BN Kirpal, Supreme Court Judge, later the 31st Chief Justice of India; since retired, with the goal of substantially decreasing the pendency of cases.⁵ The Supreme Court endorsed this scheme in *Brij Mohan Lal v. Union of India & Ors*⁶, affirming the constitutionality of creating additional courts to address pendency.

While originally conceptualized as a temporary intervention, Fast Track Courts gained Institutional permanence through successive extensions and state-level initiatives. In 2011, Central Funding was ceased and state governments were given complete responsibility for Fast Track Courts. This marked a significant shift. Despite this financial challenge, most states opted to continue Fast Track Courts, recognizing their role in the Judicial System.

The emergence of specialized courts further shaped the Fast Track Court Landscape. In the aftermath of the 2012 Delhi Gang Rape case,⁷ specialized Fast Track Courts for sexual assault cases were established nationwide. In more recent times, The Commercial Courts Act, 2015 established specialized commercial Fast Track Courts and The Protection of Children from Sexual Offences Act, 2012 established dedicated Fast Track Courts for child sexual abuse cases.

Legislative and Administrative Framework

Fast Track Courts operate in accordance with the existing Judicial Hierarchy but follow modified procedural mechanisms designed to expedite case disposal. The Legal Foundation for Fast Track Courts stems from various provisions:

⁵ Special Correspondent, 'First Fast Track Court inaugurated' The Hindu (Hyderabad, 02 April 2001) accessed 24th December 2024.

⁶ (2002) 5 SCC 1 (Brij Mohan Lal 2002).

⁷ Mukesh & Anr vs State for NCT of Delhi & Ors AIR (2017) SC 2161.

1. **Article 247⁸** of the constitution of India empowers parliament to establish additional courts for better administration of laws.
2. **Section 6(1)⁹** of the Criminal procedure code, 1973 and now Section 6¹⁰ of Bharatiya Nagarik Suraksha Sanhita (BNSS)¹¹ which replaced the CrPC, maintains the same structure of Criminal Courts, continuing the classification of Courts of Session, Judicial Magistrates (1st & 2nd class).

Administratively, Fast Track Courts operate under the direction of their respective High Courts, which create rules for the distribution of cases, judicial appointments, and other procedural matters. Usually, Retired Judges or Additional District Judges appointed especially for this function preside over FTCs. The Procedural innovations that characterize

Fast Track Courts include:

- . Regular Hearings without needless postponements.
- . Streamlined Evidence recording procedures.
- . Rigorous Observance of Deadlines for Arguments and Judgements.
- . Prioritization of cases according to predetermined standards, such as age of case or the vulnerability of Litigants, etc.

These structural and procedural changes reflect the fundamental assumption of Fast Track Courts that specialized expertise and procedural efficiency may considerably improve the speed of Justice Delivery.

Sexual offenses against Women and Children are the main area of Jurisdiction for the Fast Track Courts that state governments have established. These courts have addressed the following issues:

- . Indian Penal Code [(Sections 375 (now Section 63 of BNS¹², 2023), Sec. 376 (now Sec. 64 of BNS), Sec. 376 A, 376 B, 376 C, 376 D, 376 DA, 376 DB, and Sec. 377 (now Sec. 66, 67, 68, 70, of BNS)), pertaining to Sexual offences against women.]
- . Punishment for offences against Children under Section 3-18 of the protection of children from sexual offences (POCSO) Act, 2012.

⁸ Article 247 of the Indian Constitution grants parliament the power to establish additional courts for the better administration of Laws made by parliament or existing laws related to matters in the Union List. This allows parliament to create specialized courts to handle specific types of cases or to address backlogs in the existing judicial system.

⁹ Section 6(1) of the code of criminal procedure (CrPC), 1973 outlines the classes of criminal courts in India.

¹⁰ Section 6 of BNSS outlines the classes of criminal courts in India, which are Court of Session, Judicial Magistrates of the first & second class, executive magistrates, and metropolitan magistrates in Metropolitan areas.

¹¹ This is the new code of criminal procedure, replacing the code of criminal procedure (CrPC), 1973.

¹² The Bharatiya Nyaya Sanhita, 2023.

The Fast Track Court has handled cases under the Narcotic Drugs and Psychotropic substances (NDPS) Act [Sections 15-32 (offences and Penalties)] and Motor Accident Claims Trials under Sections 165-176 of the Motor Vehicles Act, 1988 in a few states.

Research Methodology

This study Utilizes conventional doctrinal legal research technique, entailing a methodical investigation of legal norms, principles, and judicial decisions to elucidate the doctrinal underpinnings and evolution of Fast- Track Courts in India.

The Doctrinal Analysis is structured around four interconnected Legal Dimensions:

1. Constitutional Foundations: Analysis of Constitutional Provisions that Permit or restrict the creation of specialized courts.
2. Statutory Framework: Examination of the enabling Legislation and other statutes that create and govern Fast Track Courts.
3. Judicial Interpretations: A systematic analysis of case law to create jurisprudence on Fast Track Courts.
4. Legal Principles: Identifying and evaluating fundamental legal principles that direct and restrict the Fast-Track courts operations.

This Methodology enables a thorough mapping of the Legal architecture controlling Fast Track Courts while also detecting Tensions, Innovations, and Evolutionary patterns in the Doctrine.

The research is primarily based on various sources of Legal Authority. Official statistics from the National Judicial Data Grid, yearly reports from several High Courts and Performance Assessments published by the Department of Justice are some of the primary data sources. Secondary Sources include academic research, policy documents, court decisions etc.

Fast-Track courts have shown considerably improvements in case disposition rates when compared to regular courts. While analysing the data, it shows that FTCs typically dispose of cases 40-60% faster¹³ than ordinary courts dealing with identical issues. Between 2010 and 2020, Fast-Track courts resolved approximately 1.8 million cases¹⁴, making a significant contribution to reducing the overall pendency burden.

Criminal Cases, particularly those involving offenses against women and children, exhibit the most significant improvement in disposal times. Rape cases are usually resolved in Fast-Track Courts in around 18 months, compared to 4-5 years in regular courts. Similarly, cases under The Protection of Children from Sexual Offences Act are resolved in FTCs in an average of 14 months, compared to 3-4 years in conventional courts.

Fast-Track Courts have maintained conviction rates equivalent to or greater than regular courts while achieving faster disposal. In cases involving crimes against women, FTCs report conviction rates of approximately 32-35%, which is somewhat higher than the national average

¹³ National Judicial Data Grid, accessed on 28th December 2024.

¹⁴ Ministry of Law and Justice, Government of India accessed on 01 January 2025.

of 30% for similar cases in regular courts. This indicates that the emphasis on speed did not degrade the quality of judicial scrutiny or evidence evaluation. More than 1.74 lakh cases pertaining to Rape and the POCSO Act had been successfully resolved by the Fast Track Courts as of June 2023. This illustrates the significant role these specialized courts play in giving victims of sexual offenses prompt justice. It also demonstrates how frequently cases are resolved and how quickly justice is delivered by Fast-Track Courts, which helps the Indian Legal system provide prompt justice.¹⁵

The cost-effectiveness of Fast-Track Courts is a challenging issue. While the per-case cost of operation is greater owing to specialized infrastructure and dedicated resources, the total cost to the judicial system is lower when taking into account the reduced burden on conventional courts and the societal cost of delayed justice. Economic study reveals that every rupee invested in Fast-Track Courts delivers approximately 2.5 rupees of social and economic benefits through speedier justice delivery.

Surveys of various stakeholders reveal generally positive perceptions of Fast-Track Courts. Victims and their families have more satisfaction with the judicial process in FTCs, citing less trauma from prolonged proceedings and more rapid case management.¹⁶ Legal practitioners report enhanced court administration and more predictable scheduling in Fast-Track Courts.

However, certain concerns remain about resource restrictions and infrastructural limitations. Defence Lawyers occasionally express reservations about apparent pressure to expedite proceedings, though majority acknowledge that FTCs preserve appropriate procedural safeguards.

Fast-Track Courts have implemented various procedural and administrative innovations that have enhanced overall court efficiency. These include streamlined evidence recording, video conferencing capabilities, digital case management systems, and specialized victim support services. Many of these innovations have now been adopted by regular courts, indicating the catalytic effect of FTC practices on broader judicial reform.

Despite their effectiveness, Fast-Track Courts have major resource constraints that prevent them from functioning optimally. Inadequate infrastructure, lack of trained personnel, and insufficient funding allocations continue to impede FTC operations. Many Fast-Track Courts operate without separate buildings, sharing facilities with conventional courts, which compromises their specialized character.

The distribution of Fast-Track Courts across the country remains unequal, with metropolitan areas usually receiving greater service than rural regions. This regional discrepancy has an impact on access to expedited justice, especially for marginalized communities who may benefit most from speedier case settlement.

¹⁵ Shri Kiren Rijju, Fast Track Court, Ministry of Law and Justice.

¹⁶ Kieran Correia, Fast Track Courts in India, <https://www.legalbites.in/fast-track-courts-in-india/>

The grounds for allocating cases to Fast-Track Courts are frequently unclear, resulting in varied implementation across different jurisdictions. Some courts report receiving cases that are not appropriate for expedited disposal, while others struggle to maintain enough caseloads to justify their specialized status.

Efficiency Gains & Justice Delivery

The research demonstrates that Fast-Track Courts have produced considerable efficiency gains in specific categories of cases while maintaining acceptable standards of Justice Delivery. The decrease in case disposal timeframes has particular significance for victims of major crimes, who benefit from speedier resolution and reduced trauma associated with prolonged legal proceedings.

Fast-Track Courts' effectiveness in processing cases of violence against women and children is a significant step toward increasing access to justice for vulnerable groups. The specialized processes and trained personnel in these courts have resulted in a more responsive and sensitive judicial environment for handling such cases.

Systematic Impact on Judicial Reform

Fast-Track Courts have functioned as judicial innovation labs, putting innovative processes and technology to the test before they were widely implemented throughout the legal system.

The emphasis on case management, deadline adherence, and performance monitoring in FTCs has had a national impact on court administration practices.

The Success of Fast-Track Courts has also fuelled larger talks about judicial specialization and the possibility of creating additional specialized courts for different categories of cases. This has led to the establishment of commercial courts, family courts, and other specialized judicial forums.

Challenges in Scaling and Sustainability

The extension of Fast-Track Courts has several hurdles, including resource mobilization, institutional capability, and political commitment. The initial financing support from International development organizations has expired, requiring sustained domestic resource allocation to maintain and grow FTC activities.

The long-term viability of Fast-Track Courts is dependent on their integration into the larger judicial framework and the establishment of permanent institutional structures for their functioning. This necessitates policy commitment at both central and state levels, along with adequate budgetary provisions.

Recommendations

To maximize the efficacy of Fast-Track Courts, significant investment in specialized infrastructure is required. Each Fast-Track Court shall function from purpose-built buildings outfitted with cutting-edge technology such as video conferencing, digital evidence management systems, and adequate security measures. The establishment of a separate Fast-Track Court infrastructure budget might guarantee consistent resource availability across jurisdictions.

The effectiveness of Fast-Track Courts is heavily reliant on having adequately trained personnel at every level. Judges, court staff, and support personnel working in FTCs should get comprehensive training. These programs should concentrate on specific processes, case management techniques, and sensitivity training for dealing with cases involving vulnerable groups.

The expansion of Fast-Track Courts should focus on underprivileged communities, particularly rural areas where access to expedited justice is restricted. Mobile Fast-Track Courts and circuit court arrangements might be used to expand services to rural places. Furthermore, the establishment of Fast-Track Courts should be aligned with demographic and case load trends to ensure optimal utilization.

A greater integration of technology into Fast-Track Court processes can improve efficiency and accessibility. Electronic filing systems, digital case tracking, AI-powered case management, and virtual hearing capabilities should all be introduced in a methodical manner. These technological innovations can lessen administrative burden and allow for more efficient case processing.

A strong performance monitoring system should be implemented to measure FTC efficacy and identify areas for improvement. Regular evaluations of disposal rates, conviction rates, stakeholder satisfaction, and cost-effectiveness should inform policy adjustments and resource allocation decisions. Transparency in performance reporting can help boost public trust in the Fast-Track Court System.

Conclusion

The research shows that Fast-Track Courts have made considerable contributions to increasing efficiency and justice delivery in the Indian Judicial System. Quantitative data indicates significant reductions in case disposition times, particularly for serious offenses and cases involving vulnerable populations. The qualitative assessment finds generally good stakeholders experiences and meaningful procedural innovations that have affected overall judicial reform.

However, budget restrictions, infrastructural limitations, and implementation issues prevent Fast-Track Courts from reaching their full potential. The progress made thus far lays a strong

foundation for future growth and Improvement, but a sustained commitment to addressing structural challenges is required to maximize its impact.

Fast-Track Courts are a significant institutional innovation that addresses fundamental issues in the Indian Judicial System. Their ongoing development and extension, backed by proper resources and governmental commitment, may make a substantial contribution to the objective of providing accessible and speedy justice to all citizens. Lessons from the Fast-Track Court experience give useful insights for future judicial reforms and the development of specialized judicial institutions.

The efficacy of Fast-Track Courts is ultimately determined by their incorporation into a broader judicial reform plan that addresses systemic challenges while building on successful innovations. As India's Judicial System evolves, Fast-Track Courts offer a tried-and-true approach for increasing efficiency while upholding core values of fairness and due process. Through their accelerated process, Fast Track Courts have the potential to fundamentally change the legal system. Fast Track Courts were established in India primarily to appeal to public sentiment, but they have only been used in ad hoc cases involving crimes based on gender, whereas other foreign jurisdictions have also used them to settle civil and commercial disputes. It has been acknowledged repeatedly, nevertheless, that these courts have limitations and are by no means the only way to provide "quick justice", particularly in the absence of systematic changes to substantive and procedural law as well as the socio economic situation in India.¹⁷

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