

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

STARRED QUESTION NO:247

ANSWERED ON:06.08.2015

Fast Track Courts

Chautala Shri Dushyant;Chudasama Shri Rajeshbhai Naranbhai

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government is satisfied with the performance of the Fast Track Courts (FTCs) in the speedier dispensing of justice to the litigants and if so, the details thereof;
- (b) the funds allocated, sanctioned and utilised for FTCs during the last three years, year-wise;
- (c) whether operation of FTCs have either been discontinued or proposed to be continued with States' own resources;
- (d) if so, the details of such courts, separately along with the reasons therefor; and
- (e) the steps taken/being taken by the Government to ensure that the cases filed in these courts are disposed of expeditiously?

Answer

A N S W E R

MINISTER OF LAW & JUSTICE

(SHRI D.V. Sadananda Gowda)

(a) to (e): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO.247 FOR 6TH AUGUST, 2015 REGARDING FAST TRACK COURTS

(a): Government has not measured the performance of the Fast Track Courts (FTCs). However, the Supreme Court of India monitored the performance of Fast Track Courts in Brij Mohan Lal case. In Para 85 of the judgment delivered by the Supreme Court in this case on 19.04.2012, the Supreme Court has stated that the work done by the FTCs over long period had been appreciated by all concerned.

(b): An amount of Rs.870 crore approximately was released to the State Governments for Fast Track Courts during a period of 11 years upto 2010-2011 and central funding was not continued beyond 31.03.2011. As such, no central funding was provided for Fast Track Courts during the last 3 years. However, the Central Government decided to provide funds upto a maximum of Rs.80 crore per annum on a matching basis upto 31.03.2015 from the 13th Finance Commission Award for meeting expenditure on salaries of the 10% additional positions of Judges being created in the subordinate Judiciary following the direction of Supreme Court in the case of Brij Mohan Lal Vs. Union of India. The State Governments and Chief Justices of the High Courts were requested to utilize these positions for creation of FTCs also.

(c) & (d): The 11th Finance Commission had recommended a scheme for creation of 1734 Fast Track Courts in the country for disposal of long pending cases and the cases involving undertrial prisoners. The scheme recommended by the 11th Finance Commission was for a period of five years upto 2004-05. The Government accorded its approval for the continuation of central funding of 1562 Fast Track Courts that were operational as on 31.3.2005 for a further period of 5 years i.e. up to 31st March, 2010. The scheme was continued for another one year upto 31st March, 2011, and central funding for these FTCs has been discontinued with effect from 1st April, 2011.

In its judgment in Brij Mohan Lal & Others v/s Union of India & Others on 19.04.2012, Supreme Court has endorsed the position of Government of India that continuation of FTCs is within the domain of the States and has directed the States that they need to decide either to bring the Fast Track Courts scheme to an end or to continue the same as a permanent feature in the State. A number of states have continued FTCs beyond 31.03.2011 with their own resources. A statement indicating state-wise number of Fast Track Courts reported functional is enclosed as Annexure-I.

In the Conference of Chief Ministers and Chief Justices held in New Delhi on 7th April, 2013, it was resolved that the State Governments shall, in consultation with the Chief Justices of the respective High Courts, take necessary steps to establish suitable number of FTCs relating to offences against women, children, differently abled persons, senior citizens and marginalized sections of the society, and provide adequate funds for the purpose of creating and continuing them. Government has requested the State Governments and the Chief Justices of the High Courts to implement this decision.

The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, inter-alia, establishing 1800 FTCs for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property/rent disputes pending for more than five years at a cost of Rs.4144 crore. The 14th Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements.

(e): Disposal of cases in Courts is within the domain of Judiciary. However, attention of the Chief Justices of High Courts has also been invited to the use of provisions under Sections 157, 309 & 327 of the Cr. P.C. with a view to examination of witnesses on a day

to day basis, keeping adjournment at a bare minimum and expediting trial of cases involving heinous crimes such as rape. They were requested to impress upon the district judges to scrupulously adhere to these provisions in trial of cases involving heinous crimes such as rape and to conduct trials without adjournment as far as possible.

Annexure-I