

Fast-Track Courts in India: Legislative Intent Vs. Ground Reality

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Abstract- Fast-track courts (FTCs) were introduced in India as a structural remedy to the chronic pendency crisis plaguing its judicial system. Born from the 11th Finance Commission's recommendation and catalysed by rising crimes against women and children, these specialised courts were designed to fast-forward justice. This paper examines the legislative architecture underpinning India's fast-track courts, traces their evolution from the general Fast-Track Courts (2000) to the present Fast-Track Special Courts (FTSCs) scheme (2019), and critically evaluates whether the ground reality mirrors the Parliament's intent. Drawing on official government data, Supreme Court pronouncements, and reported cases including the RG Kar Medical College rape-murder case (2024), the paper argues that while FTCs have made measurable progress, structural deficiencies—including judicial vacancies, inadequate infrastructure, uneven state compliance, and backlog replacement—continue to undermine their foundational promise. The paper concludes with reform recommendations anchored in the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

Keywords: Fast-Track Courts, Speedy Trial, Article 21, POCSO Act, FTSC Scheme

I. INTRODUCTION

The Indian judicial system stands at a paradox: it is one of the world's most sophisticated constitutional democracies, yet its courts are burdened under a staggering weight of pendency. As of March 2026, over 55.8 million cases remain undecided across all levels of the Indian judiciary, with more than 85 percent of these—approximately 49 million cases—languishing in district and subordinate courts. Shockingly, over 1,80,000 cases have been pending for more than thirty years. These numbers are not mere statistics; they represent lives put on hold, justice deferred, and constitutional rights left unenforced.

It was against this backdrop that fast-track courts entered the Indian legal landscape. The concept was neither unprecedented nor purely domestic: legal systems across the world have experimented with

specialised, time-bound adjudicatory mechanisms to address specific categories of cases. In India, the impetus came from the 11th Finance Commission's recommendation in 2000 to establish additional courts to reduce arrears. Since then, the institution has undergone significant transformation, culminating in the Fast-Track Special Courts (FTSC) Scheme of 2019, which concentrates exclusively on rape and POCSO Act cases.

This paper seeks to answer a central question: do India's fast-track courts deliver on their constitutional and legislative promise? The analysis proceeds through five stages—constitutional foundations, legislative history, current data, systemic challenges, and the road ahead.

II. CONSTITUTIONAL AND LEGAL FOUNDATION: THE RIGHT TO SPEEDY TRIAL

The right to a speedy trial does not appear in the Indian Constitution as an express provision. Yet, through decades of judicial interpretation, it has been elevated to the status of a fundamental right. The constitutional anchor is Article 21, which guarantees the right to life and personal liberty and insists that no person shall be deprived of it except according to a procedure established by law.

The watershed moment came in *Hussainara Khatoon v. Home Secretary, State of Bihar* (AIR 1979 SC 1369), where Justice P.N. Bhagwati, speaking for the Supreme Court, declared that an accused person's right to life and liberty necessarily includes the right to a speedy trial. The case arose from a series of habeas corpus petitions revealing that thousands of undertrial prisoners—including women, children, and the destitute—were incarcerated in Bihar's jails for periods longer than the maximum sentence they would receive even upon conviction. The Court directed the release of these

detainees and mandated systemic reforms. The judgment is significant not only for its immediate relief but also because it turned Article 21 into an instrument of structural criminal justice reform.

This ruling was reinforced in subsequent decisions. In *Kadra Pahadiya v. State of Bihar* (1981 3 SCC 671), the Court reaffirmed that the right to a speedy trial is enforceable and that courts have the power to issue necessary directions to state governments to secure this right. In *A.R. Antulay v. R.S. Nayak* (1992 1 SCC 225), the Supreme Court laid down detailed guidelines for determining whether delay in a trial constituted a violation of Article 21. The Court in *P. Ramachandra Rao v. State of Karnataka* (2002 4 SCC 578), however, issued a cautionary note, holding that courts cannot by default quash proceedings merely on grounds of delay, but must balance competing interests.

It is noteworthy that under the newly enacted *Bharatiya Nagarik Suraksha Sanhita* (BNSS), 2023—which replaced the Code of Criminal Procedure, 1973—the legislature has codified stricter timelines for investigation and trial, directly embodying the principles first articulated in *Hussainara Khatoon*. The BNSS mandates the conclusion of trials within a defined period in serious offences, reflecting a legislative recognition that delay in criminal proceedings is itself a constitutional wrong.

III. LEGISLATIVE INTENT: THE ROADMAP FOR FAST-TRACK JUSTICE

3.1 *The 11th Finance Commission Scheme (2000)*

The concept of fast-track courts in India was formally institutionalised in April 2000, when the Government of India, acting on the recommendation of the 11th Finance Commission, set up 1,734 Fast-Track Courts across the country. These courts were established through an ad hoc scheme funded by the Central Government and operated in partnership with state governments and the respective High Courts. Their primary mandate was to address the enormous backlog of cases—particularly cases pending for five or more years before Sessions and Additional Sessions Courts. The scheme was initially designed to run for five years, between 2000 and 2005, and was subsequently extended to 2011.

The legislative philosophy underpinning the first generation of fast-track courts was broad: to restore public confidence in the justice system by demonstrating that the machinery of law could move swiftly when provided with adequate resources. By making available dedicated judicial officers, targeted funding, and institutional priority, the government intended these courts to function as a focused clearance mechanism for long-pending cases.

3.2 *The FTSC Scheme (2019): A Sharper Focus*

The second, and more consequential, legislative intervention came in the wake of the Criminal Law (Amendment) Act, 2018, which was itself a legislative response to the horrific Nirbhaya gang rape case of 2012 and the corresponding demand for faster justice in sexual offence cases. The Amendment Act, inter alia, introduced the death penalty as a possible sentence for certain categories of rape. However, Parliament recognised that a harsher penalty alone was ineffective unless trials were completed swiftly. Accordingly, the Government of India launched the Centrally Sponsored FTSC Scheme in August 2019, initially for a period of one year spread over two financial years, at a total outlay of Rs. 767.25 crore, with the Central share drawn from the Nirbhaya Fund. The stated objectives of the FTSC Scheme were clear and purposive: to ensure the expeditious disposal of pending rape cases under the Indian Penal Code and cases under the Protection of Children from Sexual Offences (POCSO) Act, 2012; to reduce the trauma suffered by victims through prolonged trials; to establish exclusive POCSO Courts in all districts with more than one hundred POCSO cases pending; and to provide a victim-centric adjudicatory environment where trained judicial officers and support staff handled cases with sensitivity and efficiency.

The scheme mandated that each FTSC should have one judicial officer and seven dedicated support staff. The POCSO Act itself, under Section 35, requires that trials in child sexual abuse cases be completed within one year of cognizance being taken. The Scheme thus translated a statutory aspiration into a funded, operational reality.

IV. GROUND REALITY: THE ACHIEVEMENTS

An objective assessment requires acknowledging the genuine progress made by the FTSC mechanism before cataloguing its failures. The data, while imperfect, reveals a picture of partial but real achievement.

As of December 2024, a total of 747 Fast-Track Special Courts—including 406 exclusive e-POCSO Courts—were operational across 30 states and Union Territories. By this date, these courts had collectively disposed of over 2,99,000 pending cases of rape and sexual abuse, representing a meaningful reduction in a category of cases that carries particular social and human cost. The reported disposal rate for FTSCs in 2024 stood at an impressive 96.28 percent. The scheme received a significant financial boost through extensions, and its total outlay was expanded to over Rs. 1,952 crore through March 2026.

The geographic reach of the scheme is also notable. In contrast to earlier judicial reforms that were concentrated in urban and metropolitan areas, the FTSC Scheme includes geographically distant and underserved districts, ensuring that access to specialised justice is not limited to those who live near major courts. The inclusion of e-POCSO Courts, designed to handle trials involving child victims with added procedural safeguards, represents a qualitative evolution in the design of fast-track adjudication.

The scheme also had a measurable deterrent and rehabilitative function. The establishment of dedicated courts for sexual offences sent a clear institutional message that the state regarded these crimes with the seriousness they deserved, and that victims would not be forced to endure a decade-long wait for justice.

V. GROUND REALITY: THE CHALLENGES

5.1 Persistent Backlog and Sanctioned vs. Operational Courts

The most glaring gap between intent and reality is the gap between sanctioned and functional courts. Although 1,023 FTSCs were sanctioned under the scheme, only 747 were operational as of December 2024—a deficit of over 275 courts. Government

estimates suggest that India needs at least 1,000 additional FTSCs to dispose of one rape or POCSO case every three minutes in order to clear the current backlog within a year. Meanwhile, the backlog itself has been growing: pending rape and POCSO cases increased from 2,81,049 in 2020 to 4,17,673 by the end of 2022. The supply of courts has not kept pace with the supply of cases.

The broader judicial pendency context compounds this picture. The National Judicial Data Grid reported 515 lakh pending cases as of 2024, estimated to cross 525 lakh (52.5 million) by end-2025—a 2 percent annual increase. The average disposal time for cases in subordinate courts is approximately 10 years, and for High Courts between 3 to 4 years. Fast-track courts operate within this systemic context and cannot, by themselves, reverse macro-level pendency trends.

5.2 Judicial Vacancies and Additional Charge

A structural infirmity that persistently compromises the effectiveness of FTSCs is the practice of assigning judicial officers from the mainstream district court cadre on 'additional charge' to preside over fast-track courts. Research by the Vidhi Centre for Legal Policy has documented that in many states, dedicated, full-time judges are not posted exclusively to FTSCs. A judicial officer simultaneously managing a regular court docket and an FTSC docket will inevitably experience divided attention and diluted efficiency, negating the very purpose of specialisation. The India Justice Report 2025 highlighted continuing vacancies in the judicial service across multiple states, which forces this practice of additional charge.

5.3 Uneven State Compliance

The FTSC scheme is a Centrally Sponsored Scheme, meaning its implementation depends substantially on state governments. The pattern of compliance has been deeply uneven. The RG Kar Medical College rape and murder case in Kolkata in August 2024—which triggered national outrage and widespread protests—brought to light that West Bengal had failed to operationalise 123 of its sanctioned FTSCs (including 20 exclusive POCSO courts) as of mid-2023, even as 48,600 rape and POCSO cases remained pending in the state. The Union Women and Child Development Ministry, in a letter to the Chief Minister, noted this significant non-compliance. The Centre pointed out

that the state had simply not taken the steps required to make these courts functional, despite funding being available.

This pattern of non-compliance is not limited to West Bengal. In 2023, states including Odisha, Kerala, Karnataka, Rajasthan, Madhya Pradesh, and Telangana were either struggling to establish operational FTSCs or had not prioritised their implementation. These disparities reflect a structural weakness in cooperative federalism: a central scheme can allocate money and set targets, but it cannot compel effective institutional action at the state level.

5.4 *Infrastructure and Support Deficits*

Effective justice delivery requires more than a judicial officer in a courtroom. Surveys of India's district courts reveal a troubling reality: only 59 percent of court complexes possess a basic first-aid kit, 60 percent lack a fully functional toilet, and merely 27 percent are accessible via ramps for persons with disabilities. For victims of sexual violence—who are already in a state of vulnerability—the physical and psychological environment of the court matters enormously. Without child-friendly infrastructure, waiting areas separate from the accused, and robust support services, even a nominally functioning FTSC may fail to provide victim-centric justice in practice.

The delays caused by forensic science laboratory bottlenecks further hamper fast-track proceedings. The Supreme Court itself, in a suo motu writ petition concerning child rape cases, observed that one of the primary causes for slow trials was delay in receiving forensic science laboratory reports—a problem that no amount of additional courts can resolve without corresponding investment in forensic infrastructure.

5.5 *Absence of Holistic Definition of "Fast"*

A final conceptual challenge is the absence of a binding, legally enforceable definition of what constitutes a fast-track timeline. The POCSO Act, under Section 35, mandates disposal within one year 'as far as possible'—a phrase that functionally dilutes the mandate into an aspiration. Without penal consequences for institutional delay and without a mechanism to monitor and enforce time-bound disposal, the one-year target remains more advisory than compulsory.

VI. KEY JUDICIAL PRONOUNCEMENTS AND RECENT CASES

6.1 *Hussainara Khatoon v. State of Bihar (AIR 1979 SC 1369)*

This foundational case remains the constitutional bedrock of the speedy trial right in India. The Supreme Court under Justice P.N. Bhagwati declared speedy trial to be an integral component of the right to life under Article 21 and ordered systemic reforms in the Bihar prison system. Its legacy is visible in every legislative and judicial effort to address trial delay, including the FTSC Scheme itself.

6.2 *In Re: Expeditious Trial of Cases Under Section 138 NI Act (2021 SC)*

In this suo motu case, the Supreme Court took cognizance of the enormous pendency of cheque dishonour cases—approximately 35 lakh cases—and issued detailed guidelines for their expeditious disposal, including directions to all High Courts to set up fast-track mechanisms. The case is an important example of the judiciary using its own institutional authority to mandate speedy trial mechanisms where the legislature and executive have failed to act with sufficient urgency.

6.3 *In Re: Alarming Situation Arising out of Rise in Child Rape Incidents (Suo Motu Writ Petition)*

In this suo motu action, the Supreme Court issued comprehensive directions for the operationalisation of exclusive POCSO Courts across the country, directly catalysing the Government of India's FTSC Scheme of 2019. The Court's directions specifically addressed the need for dedicated courts, trained staff, and in-camera proceedings to protect child victims. This case exemplifies judicial activism as a driver of legislative and executive reform.

6.4 *The RG Kar Medical College Case (2024)*

The rape and murder of a trainee doctor at RG Kar Medical College and Hospital, Kolkata, in August 2024 brought the systemic failures of FTSCs into sharp focus. The trial court, which was designated as a fast-track court, convicted the sole accused, Sanjoy Roy, and sentenced him to life imprisonment in January 2025 within a relatively expeditious timeframe given the high-profile nature of the case. However, the case simultaneously exposed that West

Bengal had 48,600 pending rape and POCSO cases and had failed to operationalise over 123 sanctioned FTSCs. The case thus illustrated the duality of India's fast-track justice system: exceptional cases attract institutional urgency, while ordinary cases remain mired in structural neglect.

6.5 *Arnab Manoranjan Goswami v. Union of India (2020 14 SCC 12)*

In this case concerning the arrest of a journalist, the Supreme Court emphatically reiterated that the right to a speedy trial is a fundamental element of personal liberty, and that unreasonable delay in the completion of investigation and trial constitutes a violation of Article 21. The Court cautioned against the misuse of pre-trial detention as a tool of coercion. This judgment reinforces the constitutional imperative that fast-track courts must not only expedite trials but also prevent the weaponisation of delay.

VII. THE BNSS 2023 AND THE ROAD AHEAD

The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, which replaced the Code of Criminal Procedure with effect from July 1, 2024, represents the most comprehensive legislative effort in modern India to address procedural delays in the criminal justice system. The BNSS introduces stricter timelines for the completion of investigations and mandates time-bound delivery of judgments after conclusion of arguments. The shift from permissive language to mandatory language in several provisions is a direct response to the critiques of delay.

However, legislative reform without institutional reform is insufficient. The BNSS's provisions on expeditious trials will remain aspirational unless accompanied by a substantial increase in the number of judges and courts, investment in forensic and technological infrastructure, and a robust accountability mechanism for monitoring compliance. India currently has approximately 21 judges per million population, compared to a recommended ratio of 50 judges per million population by the Law Commission of India. Bridging this gap is a prerequisite for meaningful fast-track justice.

VIII. RECOMMENDATIONS

First, the Central Government should move from a voluntary cooperative model to a performance-linked funding model for FTSCs, where continued allocation of funds is tied to demonstrable state compliance in operationalising sanctioned courts within prescribed timelines.

Second, all FTSCs should have exclusively dedicated judicial officers who are not burdened with additional regular court responsibilities. The practice of assigning fast-track charges as an add-on to an existing docket should be prohibited, and High Courts should ensure that posted officers are full-time.

Third, dedicated Forensic Science Laboratory units should be established at the district level, specifically to service fast-track courts dealing with sexual offence cases. The Supreme Court's observations in the suo motu POCSO case on FSL delays must be implemented as a structural reform.

Fourth, the one-year disposal norm under Section 35 of the POCSO Act must be made binding rather than aspirational, with a requirement that any case exceeding one year must be reported to the High Court, which must then take corrective action. Non-compliance should carry institutional consequences.

Fifth, victim support infrastructure—including child-friendly court rooms, separate waiting areas, in-camera proceedings, and trained support persons—must be made mandatory prerequisites for a court to be designated as an FTSC, rather than aspirational features.

Sixth, data transparency must be enhanced. The National Judicial Data Grid should be updated to include FTSC-specific dashboards showing, by state and district, the number of cases filed, pending, and disposed, and average time to disposal. This would empower civil society, Parliament, and the judiciary to hold state governments accountable.

IX. CONCLUSION

Fast-track courts in India represent a structurally sound idea that has been imperfectly executed. The

legislative intent—to ensure that the most vulnerable victims receive timely justice and that the worst crimes do not go unpunished due to institutional sloth—is unimpeachable. The constitutional imperative, anchored in Article 21 and articulated by the Supreme Court in *Hussainara Khatoon and its progeny*, provides a firm legal foundation. The data reflects real, albeit partial, success: over 2,99,000 cases disposed, 747 courts operational, and a coverage that reaches remote parts of the country.

Yet the ground reality also reveals a system that is strained, uneven, and frequently compromised by the very structural deficiencies it was designed to bypass. The RG Kar case of 2024 remains a symbol of this duality—a fast verdict in a high-profile case coexisting with a state that had not operationalised over 123 of its sanctioned special courts. India's fast-track courts, in their current form, are an important but insufficient intervention. They succeed when the institutional will exists to make them succeed; they fail when that will is absent.

The promise of the BNSS 2023 offers a renewed opportunity. If the legislative commitment to stricter timelines is matched by institutional investment in judicial capacity, forensic infrastructure, and accountability mechanisms, fast-track courts can become the norm rather than the exception. The right to a speedy trial, declared fundamental over four decades ago in the Bihar jails of 1979, remains, in 2026, a work in progress. The legal framework exists; what remains is the will to make it work.

REFERENCES

Cases Cited:

- [1] *Hussainara Khatoon & Others v. Home Secretary, State of Bihar*, AIR 1979 SC 1369. *Kadra Pahadiya v. State of Bihar*, (1981) 3 SCC 671.
- [2] *A.R. Antulay v. R.S. Nayak*, (1992) 1 SCC 225.P. *Ramachandra Rao v. State of Karnataka*, (2002) 4 SCC 578. *Arnab Manoranjan Goswami v. Union of India*, (2020) 14 SCC 12.
- [3] *In Re: Expeditious Trial of Cases Under Section 138 of NI Act, Suo Motu Writ Petition (Crl.) No. 2 of 2020*, Supreme Court of India.

- [4] *In Re: Alarming Situation Arising out of Rise in Child Rape Incidents, Suo Motu Writ Petition (Crl.) No. 1 of 2019*, Supreme Court of India.

Statutes and Reports:

- [5] *The Bharatiya Nagarik Suraksha Sanhita (BNSS)*, 2023. *Protection of Children from Sexual Offences (POCSO) Act, 2012. Criminal Law (Amendment) Act, 2018*.
- [6] *Ministry of Law and Justice, Government of India, Fast Track Special Courts Scheme Guidelines (2019, extended to 2026)*.
- [7] *Ministry of Law and Justice (Rajya Sabha Session 267), Unstarred Question No. 1711, Answered on 13th March 2025*.
- [8] *India Justice Report, 2025*.
- [9] *National Judicial Data Grid (NJDG), 2024 Data*.
- [10] *Vidhi Centre for Legal Policy, Building Better Courts: Surveying the Infrastructure of India's District Courts, 2022*.
- [11] *National Crime Records Bureau (NCRB), Annual Report, 2023. 11th Finance Commission of India, Report, 2000*.