

GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE  
DEPARTMENT OF JUSTICE

LOK SABHA

UNSTARRED QUESTION NO. 3586

TO BE ANSWERED ON WEDNESDAY, THE 8<sup>TH</sup> AUGUST, 2018

Funding for Fast Track Courts

†3586. SHRI RAJU SHETTY:

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

- (a) whether Fast Track Court scheme has been launched as 100 per cent Centrally Sponsored Scheme;
- (b) if so, the details thereof;
- (c) whether Central assistance regarding this scheme has been reduced substantially during the last few years;
- (d) if so, the details thereof;
- (e) whether extra burden has been borne by the State Governments for extension of this scheme; and
- (f) if so, the details thereof along with the steps taken by the Government in this regard?

ANSWER

Minister of State for Law & Justice and Corporate Affairs  
(SHRI P.P. CHAUDHARY)

(a) to (f): Setting up of subordinate courts which includes Fast Track Courts (FTCs) and their functioning falls within the domain of the State Governments who set up such courts as per their need and resources, in consultation with the concerned High Courts.

The 11<sup>th</sup> Finance Commission had recommended a scheme for creation of 1,734 FTCs in the country for disposal of long pending cases and the cases involving undertrial prisoners. The scheme recommended by the 11<sup>th</sup> Finance Commission was for a period of five years upto 2004-

05. The Government accorded its approval for the continuation of central funding of 1,562 FTCs that were operational as on 31.3.2005 for a further period of 5 years i.e. up to 31<sup>st</sup> March, 2010. The scheme was continued for another one year upto 31<sup>st</sup> March, 2011. An amount of Rs.870 crore was released to the State Governments for FTCs during a period of 11 years from 2000-01 to 2010-2011 and Central funding was discontinued beyond 31.03.2011.

In its judgment in Brij Mohan Lal & Others Vs Union of India & Others on 19.04.2012, Supreme Court endorsed the position of Government of India that continuation of FTCs is within the domain of the states and directed the States that they need to decide either to bring the FTC 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.

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 13<sup>th</sup> Finance Commission Award for meeting expenditure on salaries of the 10% additional positions of Judges being created in the subordinate judiciary pursuant to the direction of Supreme Court in the case of Brij Mohan Lal Vs. Union of India.

The Union Government submitted a Memorandum to the 14<sup>th</sup> Finance Commission for strengthening of the judicial system in States at an estimated expenditure of Rs.9749.00 crore, which, inter-alia, included establishment of 1,800 Fast Track Courts for cases of heinous crimes involving senior citizens, women, children etc at an estimated expenditure of Rs.4,144.00 crore. The Commission endorsed the proposal of the Government and urged the State Governments to use the additional fiscal space provided in the form of enhanced tax devolution (from 32% to 42%) to meet such funding requirements.

The Government has also followed up the matter and requested State Governments/High Courts for setting up FTCs for expeditious disposal of cases of crimes against women, senior citizens and children as per the recommendations of the 14<sup>th</sup> Finance Commission.

In accordance with a Supreme Court order, Government is providing financial assistance for running 12 FTCs in 11 states to deal with criminal cases of MPs and MLAs.

....