

A quicker justice

On Wednesday, the Supreme Court asked the Centre to set up special courts to try criminal cases against MPs and MLAs. Though the apex court has suggested special courts to try lawmakers several times in the past two years, including in September, this is the first time it has given explicit directions to constitute such courts. A two-judge bench gave the Centre six weeks to put in place a scheme to “set up courts on the lines of fast track courts”. The bench reasoned that the backlog of cases before the judiciary made it difficult for courts to give speedy verdicts in cases involving politicians.

There is scarcely any doubt that the country’s political system requires an urgent clean-up. The Second Administrative Reforms Commission (2005) had noted that the “opportunity to influence crime investigations and to convert policemen from being potential adversaries to allies is the irresistible magnet drawing criminals to politics.” The situation seems to have worsened more than a decade later. According to the Association for Democratic Reforms, more than a third of the members of the current Lok Sabha have criminal cases against them. Another report by this organisation notes that more than 50 lawmakers in the country face charges of crimes against women. Candidates’ criminal reputation is often perceived as an asset in an election. On Wednesday, the SC said “it take years, probably decades, to complete a trial against a politician. By which time, he would have served as a minister or legislator several times over”. There is, then, a case for expediting proceedings in criminal cases against lawmakers. But are fast track courts the right instruments for this purpose? The country’s experience with such courts indicates otherwise. According to the response to an RTI petition filed two years ago, more than 50 per cent of the fast track courts were not functioning. According to the Department of Justice, more than 6.5 lakh cases are pending in fast track courts in the country, about 1,500 of them in Delhi. Without adequate infrastructure and qualified judges, many of the fast track courts are ill-equipped to deal with such a huge volume of cases.

Given the shortage of judges in the country, fast-tracking criminal cases against lawmakers will inevitably mean slowing down the pace of other litigation. At the same time, with deadlines hanging over their heads, the judges will be under pressure to process evidence without due consideration. Rulings will inevitably be challenged, defeating the purpose of setting up these courts. The SC should re-think its directive to the Centre — and both should find other ways to speed up proceedings in criminal cases against politicians.

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