



Special Courts

Prelims: Special Courts, Supreme Court, Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Amendment Act, 2015.

Mains: Special Courts.

Why in News?

Recently, the [Supreme Court \(SC\)](#) has suggested a **State-specific approach** to setting up [special courts for speedy trial of legislators](#).

- The SC said that a "**one-size-fits-all**" approach may not resolve the problem of long pendency of criminal cases involving MPs and MLAs because the **burden of cases is different for each state**.

What is the Background?

- In 2017, the SC had ordered that **special courts be set up across the country to fast-track the long-pending** trials of lawmakers.
 - Following this, 12 special courts were set up across 11 States exclusively to try sitting MPs and MLAs.
- In September 2020, an SC-appointed **amicus curiae (friend of the court)**, in his two reports, highlighted that despite the best efforts by the court to constitute special courts for trying cases against legislators, close to 4,442 criminal cases involving 2,556 sitting members of Parliament (MP) and members of legislative assemblies (MLAs) are pending.
 - These cases have now crossed the 5,000-mark, with 400 of them concerning heinous offences.

What is a Special Court?

- **About:**
 - A Special Court is a court with constrained purview, that **manages a specific field of law as opposed to a specific regional ward**. In India, these courts are established under the **Special Courts Act of 1979**.
 - In India, there are various special courts that have been established to deal with specific types of cases. These courts have been set up to provide **speedy justice and to address the unique legal challenges** associated with certain types of cases.
- **Jurisdiction:**
 - [Special jurisdiction](#) is the Courts' jurisdiction over certain types of cases such as bankruptcy, claims against the government, probate, family matters, immigration, and customs, or limitations on courts' authority to try cases involving maximum amounts of money or value. **Special jurisdiction is also known as limited jurisdiction**.
 - **Special Courts** only hear cases in a very narrow jurisdiction and the judges serve for a specific term, while the constitutional court's main authority is to rule **on**

whether laws that are challenged are unconstitutional, Example- whether they conflict with constitutionally established rights and freedoms.

What are the Other Related Initiatives?

- [Special Courts for POCSO cases](#)
- [Scheme for Fast Track Courts](#)
- [e-Courts Integrated Mission Mode Project](#)

Way Forward

- As politics dominates the bureaucracy, and reins in business, civil society and the media, the country needs governance that is free of the “criminal” virus.
- Ensuring prosecution with public pressure may help. If one political leader is hauled up for giving tickets to large numbers of tainted candidates, something positive may happen.

[Source: TH](#)

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