

FINAL REPORT

**THIRD PARTY EVALUATION OF THE SCHEME ON FAST
TRACK SPECIAL COURTS (FTSCs) FOR EXPEDITIOUS
DISPOSAL OF CASES OF RAPE AND PROTECTION OF
CHILDREN AGAINST SEXUAL OFFENCES (POCSO) ACT**



Submitted To

**Department of Justice
Ministry of Law and Justice
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Submitted By



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National Productivity Council (NPC) under Ministry of Commerce & Industry, Government of India, has been engaged by Department of Justice (DoJ), Ministry of Law and Justice, Government of India, to undertake “**Third Party Evaluation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of cases of Rape and Protection of Children against Sexual Offences (POCSO) Act**”. The evaluation study includes aspects of the operation of the scheme such as progress in setting up and operationalisation of the FTSCs including exclusive POCSO Courts, progress in transferring cases to the FTSCs including exclusive POCSO Courts, progress in taking up and disposal of the cases by the FTSCs including exclusive POCSO Courts, evaluation of the progress with reference to targets set, conviction rates, constraints faced by the FTSCs including exclusive POCSO Courts. The evaluation study of the scheme also included the assessment of improvements in Fast Track Justice Delivery mechanism & positive impact after setting up FTSCs, identifying the major problems/challenges faced while operationalising FTSCs, monitoring mechanism of Scheme implementation and also to suggest suitable modifications for making the Scheme more effective in the coming years.

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(Study Team)

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

1. BACKGROUND

The incidents of rape and gang rape of minor girls below the age of twelve and similar heinous crimes against women shook the conscience of the entire nation. To prevent such crimes, stricter laws have been introduced through “the Criminal Law (Amendment) Act, 2018”. It strengthened the relevant provisions of Indian Penal Code (IPC), Criminal Procedure Code (Cr.PC), Evidence Act and Protection of Children against Sexual Offences (POCSO) Act and provided for stringent punishment for rape of children and women.

The key motive behind introducing harsh punishment is to create deterrence against such crimes. However, it is only possible if the trial in the court is completed within the time frame and justice is delivered expeditiously to the victims. The Hon’ble Supreme Court of India took up the issue of “completion of timely investigations and consequential trials in the offences under POCSO Act” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. To assist the implementation of the Criminal Law Amendment Act 2018, the recent amendments to POCSO Act, 2019 and the directions of the Hon’ble Apex Court, a key intervention was setting up specific courts for time bound disposal of Rape and POCSO Act cases. This included specific courts for POCSO Act.

Union of India finalized a scheme in August, 2019 for setting up Fast Track Special Courts (FTSCs) for expeditious trial and disposal of cases related to Rape and POCSO Act in furtherance to the Criminal Law (Amendment) Act, 2018.

2 ABOUT THE SCHEME

*Department of Justice (DoJ) has been implementing the Scheme on **Fast Track Special Courts (FTSCs) for expeditious disposal of cases of Rape and Protection Of Children against Sexual Offences (POCSO) Act**. The scheme aims at effective implementation of Criminal Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country.*

*The Scheme had been instituted for a period of 1 year - spread over 2 financial years (2019-20 and 2020-21). Under the Scheme a total of **1023** Fast Track Special Courts were to be set up all over the country. There are 389 districts in the country where the number of pending cases under POCSO Act exceeds 100. Therefore, as per the order of Hon’ble Apex Court, in each of these districts one exclusive POCSO court had to be set up which will try no other cases. Depending upon the pendency of POCSO Cases the State/UT Governments in consultation with the High Court could, however, decide if more number of exclusive POCSO Courts need to be established within overall number of FTSCs provided under this scheme.*

The financing of the Centrally Sponsored Scheme (CSS) is on the CSS pattern wherein 60% of the share is contributed by Central Government and 40% by State & UT governments. This ratio of 60:40 is applicable for all States except North-Eastern States

including Sikkim and three hilly States/UTs i.e., UT Jammu & Kashmir, Himachal Pradesh and Uttarakhand where the financial sharing will be in the ratio of 90:10. Further, for UTs with legislature the ratio is 60:40 and for other UTs, entire funding is borne by the Central government.

The Fund allocation for the Scheme is Rs 767.25 Crores at Centrally Sponsored Scheme (CSS) pattern with Central share of Rs. 474 Crores under Nirbhaya Fund. As of the latest data received from Department of Justice, the total allocation for the Financial year 2019-20 under the Nirbhaya Fund was Rs. 140 Crores and the budgetary Estimates Allocation under Nirbhaya Fund for the Financial year 2019-20 under the Scheme was Rs. 150 Crores under the Central Share to be released to States/UTs.

3 TERMS OF REFERENCE OF THE STUDY

The study covers the following key aspects of the operation of the scheme

- (i) *Progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts.*
- (ii) *Progress in transferring cases to the FTSCs including exclusive POCSO courts.*
- (iii) *Progress in taking up and disposal of the cases by the FTSCs including exclusive POCSO courts.*
- (iv) *Evaluation of the progress with reference to targets set*
- (v) *Evaluation of the conviction rates of the FTSCs vis a vis the Regular Courts*
- (vi) *Constraints faced by the FTSCs including exclusive POCSO courts in their operation and recommendations for overcoming the constraints*
- (vii) *Overall assessment of the impact and operation of the scheme and recommendations for maximising the impact of the scheme in delivering justice expeditiously.*

The evaluation study of the scheme will also include the following:

- (i) *To evaluate the implementation of the Scheme including monitoring mechanism and suggest suitable modification(s) for making the Scheme more effective in the coming years.*
- (ii) *To assess improvements in Fast Track Justice Delivery mechanism & positive impact after setting up Fast Track Special Courts.*
- (iii) *To identify the major problems/Challenges faced in operationalising Fast Track Special Courts.*
- (iv) *To provide suggestion and modifications in the scheme so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years.*

5.4 METHODOLOGY

*An evaluation study of this magnitude requires detailed information/data pertaining to the Scheme implementation including physical and financial targets and milestones achieved for all the projects sanctioned. NPC has undertaken the evaluation in **two broad phases**.*

First phase of the evaluation focused on detailed desk research wherein the information/data pertaining to setting up of 1023 Fast Track Special Court (FTSC) for expeditious trial and disposal of cases related to Rape and POCSO Act cases in furtherance to the Criminal Law (Amendment) Act, 2018 including physical and financial targets and achievements were compiled and analyzed for the years 2019-20 onwards. This part of the study provided the framework for the evaluation of **Third Party Evaluation of Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act** wherein the information/data pertaining to the Scheme implementation including physical and financial targets achieved were collated and studied w.r.t the guidelines, official records, relevant data and information from Department of Justice, Minutes of the meetings etc., for the **Scheme on FTSCs for Rape and POCSO Act Cases** during the implementation of 2019-20 and 2020-21 (till 31.07.2020). This further paved the way for the assessment framework for the evaluation at the High Court, as well as District and Subordinate Courts level where **Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases and/or Exclusive POCSO Courts** have been setup and are presently functional.

Second phase of the evaluation study focused on detailed field level interactions and surveys of State Governments (Law Secretaries), High Courts (Registrar Generals/Nodal Officers), Presiding Officers/Judges of FTSCs/FTSCs dealing with POCSO cases exclusively, Lawyers, Litigants, Witnesses etc. Data/information pertaining to Physical and Financial achievements, budgetary outlays and targets, funds released and utilized, exclusivity coverage of Courts, financial assistance utilized under the scheme, setting up and functioning of Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases and/or Exclusive POCSO Courts etc., have been evaluated mainly based on feedbacks received from Stakeholder specific questionnaires with respect to the implementation of the **Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act**. Further, the data alongwith feedbacks have been collected through stakeholder surveys on targets and achievements of various activities such as setting up and operationalisation of FTSCs including exclusive POCSO Courts, progress in taking up and transferring cases and disposal of cases by FTSCs including exclusive POCSO courts, conviction rates, constraints, problems, challenges faced at different stages of implementation of the Project and suggestions and recommendations for maximizing the impact of the scheme in delivering justice expeditiously.

Direct field surveys have been undertaken through structured questionnaires across 13 States. Further, the data/information collected through e-mail questionnaires from 10 more states (Law Secretaries and High Court Registrar Generals). Thus NPC field survey has the coverage of 23 States under the jurisdiction of 21 High Courts. Separate questionnaires have been utilized for the conduct of field surveys of State Government Law Secretaries, High Court Registrar Generals, Presiding Officers/Judges of FTSCs/FTSCs dealing with exclusive POCSO Cases, Lawyers, Litigants, Witnesses etc., from the selected 13 States and High Courts of the Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases and/or Exclusive POCSO Courts functional under the respective High Courts at District and Subordinate Courts level.

5 FIELD SURVEY FINDINGS - SUMMARY

- *The spread of COVID-19 Pandemic in India has adversely affected the scheme implementation due to the closure of many Courts due to lock down scenario. Though the hearings have been held online at many places, there were undue delays due to local specific conditions. Hence, it shall be inappropriate to draw general conclusions regarding the Scheme implementation.*
- *Effective disposal of POCSO Cases depend to a large extent on the effective investigation by Police Personnel to the point of evidence, identification and deputing of Public prosecutors and FSL related investigations which are under State/ Central Government. Therefore, segment wise strengthening of all the relevant parameters by the respective State Government are very important viz., FSL may be set up for each District, Appointment of Special Public Prosecutors, Appointment of Regular Presiding Officers and Special Team of Police Personnel to investigate the POCSO Cases for effective disposal. It is also important that vulnerable Witness Deposition Complexes maybe set up by the State Governments.*
- *During the time of Scheme formulation in October 2019, about 1.67 lakh Rape and POCSO Cases were pending in various Courts. However, by June 2020, it increased to 2.69 lakhs.*
- *Central Government releases its share of funds to State Government and State Government then releases both Central and State Government shares to the respective High Courts for setting up FTSCs/EPOCSO Courts in the State. Success of the implementation depends on the speed of the approval of fund release by the State Government to the High Court. Further, Central Government requires the consent of the State Governments for the release of the funds. During NPC field surveys it was noticed that many State Governments did not provide consent on time to the Central Government resulting in delays in the release of Central Assistance during 2020-21.*
- *In the case of some of the State Governments who had already received the Central Financial Assistance did not release the same alongwith State share to the High Courts for setting up FTSCs/ Exclusive POCSO Courts resulting in slow progress in setting up FTSCs and E-POCSO Courts in the State.*
- *Total Courts to be setup as per the guidelines across 23 States surveyed by NPC Study Team are 872 and the total number of Courts operational and functional in the States where the field survey was conducted were 480 and 465 respectively.*
- *State wise analysis of Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 5.54%, 7.21% and 17.64% respectively.*
- *In the light of increased number of Rape and POCSO Cases at 2.69 lakhs by June 2020, it is proposed that the remaining earmarked Courts may be operationalized by the State Governments on war footing so that the core objective of the scheme towards the much needed expeditious disposal of Rape and POCSO Cases could be realized. State-wise summary of the findings by NPC Study Team are given below:*

5.1. Summary of Findings from Haryana

- i. According to the administrative guidelines, Haryana State had to setup 4 Fast Track Special Courts (FTSCs) and 12 exclusive POCSO (EPOCSO) Courts. The Punjab and Haryana High Court in association with the State government had setup all the FTSCs and E-POCSO Courts in 2019 itself.
- ii. Percentage of cases disposed against the target set by High Court was only 2.01%. Similarly, the percentage of cases disposed against the target as per the target given in the Guidelines was 4.02%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 0.91%, 0.45% and 11.63% respectively.
- iv. As informed by the Punjab & Haryana High Court, they did not receive any funds from the State Government for setting up FTSCs and EPOCSO Courts.
- v. Monitoring Committee was not formed by the High Court in the case of setting up and Operationalising FTSCs including E POCSO courts. Monthly report w.r.t institution, disposal and pendency has been compiled at High court level as received from concerned FTSCs and the same is being uploaded on monthly basis on the web portal of Ministry of Law & Justice.
- vi. **High Court** informed that there is a requirement of female Social Child Psychiatrist or worker to be present in the Court at the time of recording of evidence, separate room for prosecutrix and child witnesses, special training sessions for Police Officials, Court Staff and Summoning Staff are required and Special Police Unit is required for investigating rape cases and cases under POCSO Act.
- vii. According to **Presiding Officers**, witnesses should be present in the Court on the date fixed so that their statement can be recorded on the very day without any delay and the cases may be disposed off on a time bound manner. There is delay in disposing the cases as witnesses are not coming on time. Witness protection scheme may be enforced strictly.
- viii. As informed by the Presiding Officers, they need special investigating team trained in such type of investigation and there is a delay in receipt of FSL Reports.
- ix. As informed by the **Lawyers**, the face and identity of victim should not be revealed in Court Room and specific measures must be taken, maximum three cases should be listed in a day and investigation must be completed in 15 days and Courts should be freed from media trials as they create unnecessary pressure.

5.2. Summary of Findings from Jharkhand

- i. As per the administrative guidelines Jharkhand State was required to setup 14 FTSCs and 8 EPOCSO Courts. The Jharkhand High Court informed that 8 exclusive POCSO Courts have been established with 0 judgeships and the power to try the cases related to these 8 specially designated courts are vested with 8 Judicial Officers of the rank of District and Additional Sessions Judge. Therefore, at present no EPOCSO Courts are functional in Jharkhand State due to non-release of funds by the State Government.
- ii. As per the guidelines, Cases disposed against the target was 8.23%.

- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 9.88%, 20.99% and 26.57% respectively.*
- iv. *Monitoring Committee has been set up by the High Court to regulate and monitor the progress of the trials under the POCSO Act.*
- v. *According to **Presiding Officers**, currently existing Judges/Court Staff Members are given the work of Presiding Officers in addition to their current work load. Full time manpower may be given to the Courts.*
- vi. *As informed by the **Lawyers**, there is a need to increase the manpower in FTSCs and E-POCSO Courts, exclusive Public Prosecutors may be deputed in the Court for speedy and smooth facilitation of judgment.*
- vii. *According to **Litigants**, number of Judges need to be increased to expedite the case disposal.*

5.3. Summary of Findings from Madhya Pradesh

- i. *According to administrative guidelines Madhya Pradesh State had to setup 41 FTSCs and 26 EPOCSO Courts. High Court in association with the MP State Government has setup all the FTSCs and 25 EPOCSO Courts in the year 2019.*
- ii. *Percentage of cases disposed against the target given by High Court was 43.80%. Similarly, the percent cases disposed against the target as per the guidelines were 68.28%.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 24.86%, 15.46% and 19.47% respectively.*
- iv. *Monitoring Committee has been constituted by the High Court to monitor the progress related to the cases and they also have a district level committee for the same.*
- v. *As informed by the **Presiding Officers**, girls get sexually mature by the age of 16, therefore, it may be considered the age of consent be reduced to 16 years. If the age is reduced then the cases of consent and corresponding sentence can be reduced. Also two months time is very short period for disposal of FTSC Cases in view of the large number of pending cases. There is no separate agency for managing compliance of summons and warrants and reluctance of complainant and other individual witness for giving evidence.*
- vi. *According to the **Lawyers**, the forensic age determination requested by Courts when real age is unknown should not suffer unfair advantage. Ossification age determination done by some doctors who give an estimated age of +/- age of 6 months to 2 years which is very critical in deciding the age of the victim. So it is required to be looked into by the authorities seriously so that all legal procedures to which the individual age is relevant can be properly followed.*
- vii. *Requisite infrastructure is not available in some places especially in the old court rooms. In this regard, proposal is pending with State Government for the construction of 34 child friendly courts and no progress has been made till date in this regard.*
- viii. *About 60% cases police did not complete the investigation within the stipulated time and the reason for delay was not mentioned in the charge sheet.*

- ix. *FSL facilities are available only at few places at Gwalior, Bhopal and Indore only and DNA analysis capability is only at Sagar District. Therefore DNA/FSL Reports are generally not available on time.*

5.4. Summary of Findings from Telangana

- i. *According to the administrative guidelines, Telangana State had to setup 26 FTSCs and 10 EPOCSO Courts. Till date no court has been setup under the scheme. However, after receiving the intimation from the Department of Justice w.e.f. 02.10.2019 nine existing Fast Track Courts are designated as dedicated Fast Track Special Courts for expeditious trial and disposal of Rape and Protection of Children against Sexual Offences (POCSO) Act cases.*
- ii. *Percentage of cases disposed against the target given by High Court could not be calculated since target was not given by the High Court to the FTSCs and E POCSO Courts. Cases disposed against the target as per the targets given in Guidelines were estimated at 54.26%.*
- iii. *As informed by **High Court**, they have formed a Monitoring Committee. However, the Committee could not conduct any meeting from March 2020 till date as the trial Courts are functioning virtually and no trial matters are taken up physically by the Courts, in view of lock down due to COVID-19.*
- iv. *According to the **Lawyers**, the Courts are running as per the procedures. For greater impact, in all POCSO cases, the judgment should be delivered within 3 months from the date of offence, as the victim is normally a child of tender age and the victim can't identify the culprit easily if the case prolongs for longer periods, as they normally will have short memory.*
- v. *As per the information provided by the **Presiding Officers**, TV Screen and related equipment may be provided for better victim friendly environment in Witnessing/Identification process.*

5.5. Summary of Findings from Assam

- i. *According to the administrative Guidelines, Assam State had to setup 12 FTSCs and 15 E POCSO courts. A total of 10 courts were sanctioned by the State Government all of which are exclusive POCSO courts. At Present 7 Exclusive POCSO courts are operationalized and are functional.*
- ii. *The percent cases disposed against the target given by High Court cannot be calculated because of target was not given by the High Court to the FTSCs and E POCSO Courts. The percent cases disposed against the target as per the targets given in guidelines was only 3.03%.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 8.51%, 0.00% and 14.62% respectively.*
- iv. *As informed by High Court that there is a Monitoring Committee at the High Court level where in the proceedings of the Status of the ongoing and pending cases are shared.*
- v. *According to the **Registrar General** of the High Court there is no availability of suitable infrastructure.*

- vi. According to the **Presiding officers**, the current allocation of manpower i.e., 7 per Court is not adequate.
- vii. As informed by the **Lawyers**, during the trial when testimonies of the witness / accused / victims are recorded, the same should be displayed in the Court room to the legal counsels of both the parties so that cross examination can be done properly and there is no prejudice in the mind of the accused and witness.

5.6. Summary of Findings from Tripura

- i. According to the administrative Guidelines, Tripura State had to setup 2 FTSCs and One E POCSO court. The High Court of Tripura in association with the State Government has setup all the FTSCs and the E POCSO Court in the year 2019.
- ii. Percentage of cases disposed against the target given by High Court was estimated at 12.10%. Similarly, the percent of cases disposed against the target as per the target given in Guidelines was 12.96%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 3.14%, 2.02% and 37.84% respectively.
- iii. No Monitoring Committee was formed by the High Court for monitoring the setting up and Operationalization of the FTSCs including E POCSO courts. Monthly report regarding disposal and pendency of cases is being taken from the FTSCs and E POCSO courts by the High Court.
- iv. According to the **Presiding officers**, delays in results are faced due to various circumstantial reasons from the side of Victims, Witnesses, etc., and Rules must be formulated to make Investigation agencies accountable to the Court.
- v. As informed by the **Lawyers**, rules may be formed by the Hon'ble Supreme Court for the protection of victim and witness and separate counseling mechanism in the court.
- vi. As informed by the Litigants/Witness, security may be provided for them by the State Government.

5.7. Summary of Findings from Himachal Pradesh

- i. As per the administrative Guidelines Himachal Pradesh State had to setup 3 FTSCs and 3 EPOCSO courts. The High Court of Himachal Pradesh in association with the State Government has setup all the 3 E POCSO Courts in the year 2019 and the work of setting up 3 FTSCs are in progress.
- ii. Percentage of cases disposed against the target given by High Court cannot be calculated because the target was not given by the High Court to the FTSCs and E POCSO Courts. Percentage of cases disposed against the target as per the targets given in guidelines was 16.53%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 3.55%, 0.00% and 34.83% respectively.
- iv. As informed they have constituted a Monitoring Committee and quarterly meetings are being held.

- v. According to the **Presiding officers**, retired Public Prosecutors may not be appointed and regular Public Prosecutors may be provided for proper administration of justice and experienced and committed Investigating Officers should be appointed to conduct investigations in such cases so as to leave no loopholes in the investigation.
- vi. As informed by the **Lawyers**, there should be female prosecutor as well as other female staff so that prosecutrix feel comfortable environment.

5.8. Summary of Findings from Tamil Nadu

- i. As per the administrative Guidelines, Tamil Nadu State had to setup 14 E POCSO courts. The Madras High Court in association with the State Government has setup 16 E POCSO Courts.
- ii. Percentage of cases disposed against the target given by high court was 26.49%. Similarly, the percentage of cases disposed against the target as per the target given in guidelines was 26.70%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 20.28%, 0.00% and 12.15% respectively.
- iv. As informed they have constituted a Monitoring Committee.
- v. As informed by the Presiding Officers, major problems faced by them are Non-Cooperation of Police and Lack of place in Courts. The police are over burdened whenever the case is posted for trial and summons are issued to the witnesses; the Police fail to produce them before Court as they are made to attend sudden bandobust duty. Most of the victims (mostly girls) appear to be within the age group of 15 to 18 years and are mainly love affair cases and they turn hostile in view of which a lot of time is wasted.
- vi. As informed by the Lawyers, the Senior Judicial officers to be appointed as POCSO court Judge and special Police team to be formed for investigation and conduct of POCSO Cases.
- vii. According to the litigants, the Presiding officers must be a female.

5.9. Summary of Findings from Rajasthan

- i. As per the administrative Guidelines Rajasthan State had to setup 19 FTSCs and 26 E POCSO courts. The Rajasthan High Court in association with the state government has setup 30 FTSCs and 26 E POCSO courts.
- ii. Percentage of cases disposed against the target given by High Court cannot be calculated because of target was not given by the High Court. The percentage of cases disposed against the target as per the targets given in guidelines was 60.50%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 11.42%, 27.75% and 31.85% respectively.
- iv. As informed they have constituted a Monitoring Committee.
- v. As informed by the Presiding officers, aggravated, penetrative, sexual assault (u/s. 5/6 of the POCSO Act) should be mandatory covered under case officer scheme of Police and FSL and DNA reports must be filed along with the charge sheet.

5.10. Summary of Findings from Punjab

- i. As per the administrative Guidelines, Punjab State had to setup 10 FTSCs and 2 E POCSO courts. The High Court in association with the state government has setup only 3 E POCSO courts.
- ii. Percentage of cases disposed against the target given by high court was 32.56%. Similarly, the percentage of cases disposed against the target as per the target given in guidelines was 16.60%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 6.46%, 0.00% and 17.88% respectively.
 - ii. As informed they have not constituted any Monitoring Committee.
 - iii. As informed by the Presiding Officers the FSL chemical examiner office should be at district level so that the reports could be submitted without any delay and there must be special cadre for the officers, who are supposed to deal with these particular cases, if it is done, it would certainly increase the disposal and would result into substantial decrease in pending cases.
 - iv. According to the Presiding Officer a special training to the investigation officers who instigate the cases registered under the POCSO Act and a special team who has got special training to investigate the cases in scientific quick and time bound manner.

5.11. Summary of Findings from Chandigarh

- i. As per the administrative Guidelines Chandigarh had to setup One FTSC. The FTSC was not setup by the government till date.
- ii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 48.13%, 0.00% and 0.00% respectively.
- iii. As informed by the Presiding Officers, the CFSL reports in such cases should be time bound and if CFSL lack infrastructure then thrust should be on that side.
 - ii. According to the Presiding Officer, a special training to the investigation officers who instigate the cases registered under the POCSO Act and a special team who has got special training to investigate the cases in scientific quick and time bound manner.
 - iii. As informed by the Presiding Officer, major/ challenge in operationalizing these courts is to curtail the unnecessary adjournments sought by the counsels and to ensure presence of the witnesses on the date fixed.

5.12. Summary of Findings from Uttar Pradesh

- i. As per the administrative Guidelines, Uttar Pradesh State had to setup 144 FTSCs and 74 E POCSO courts. The Allahabad High Court in association with the State government has setup all the 144 FTSCs and 74 EPOCSO courts.
- ii. Percentage of cases disposed against the target given by High Court was 32.31%. Similarly, the percentage of cases disposed against the target given in guidelines was 36.13%.

- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 5.71%, 1.75% and 8.90% respectively.*
- iv. *As informed they have constituted a Monitoring Committee which is responsible for regular monitoring of expeditious disposal of such cases.*
- v. *According to the State Law Secretary more funds are required and direct Monitoring by special prosecutor not by DG is required.*
- vi. *According to Lawyers, behavior of officers should be friendly with both advocates and victims.*

5.13. Summary of Findings from Gujarat

- i. *As per the administrative Guidelines, Gujarat State had to setup 24 FTSCs and 11 E POCSO courts. The Gujarat High Court in association with the State Government has setup all the 24 FTSCs and 11 E POCSO courts.*
- ii. *Percentage of cases disposed against the target given by High Court was 19.05%. Similarly, the percentage of cases disposed against the target given in guidelines was 25.92%.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 11.73%, 12.04% and 16.50% respectively.*
- iv. *As informed they have constituted a Monitoring Committee.*
- v. *According to the High Court the scheme may be extended at least for next two years for effective implementation of scheme.*
- vi. *Periodically official publication of data sharing of registration – pendency – disposal of cases, State wise, District wise, Court wise. Periodically interaction amongst stake holders, courts investigating agencies, medical services, social services, research persons and Government at both level (Central and State).*
- vii. *Training at regular interval to be provided to the concerned Presiding Officers and APPs are required.*

5.14. Summary of Findings from Andhra Pradesh

- i. *As per the administrative Guidelines, Andhra Pradesh State had to setup 10 FTSCs and 8 E POCSO courts. The High Court of Andhra Pradesh in association with the State Government has only setup 8 E POCSO courts.*
- ii. *Percentage of cases disposed against the target given by high court was 16.46%. Similarly, the percentage of cases disposed against the target given in guidelines was 43.21%.*
- iii. *As per the Suggestions given by High Court, it would be ideal if a Special Investigation Team, headed by a Woman Police Officer, is constituted for each District, to investigate the offences under POCSO Act.*
- iv. *In most of the cases victims are turning hostile due to poverty etc., if the victims are shifted to rescue homes and provided food, shelter, clothing and education, the objective of the Scheme will be effectively met.*

- v. *The protective environment for every child should be provided within the vicinity of Court Building and to inculcate "Sense of Dignity of Women" to the Victim to support free and fair trial.*

5.15. Summary of Findings from Chhattisgarh

- i. *As per the administrative Guidelines, Chhattisgarh State had to setup 4 FTSCs and 11 E POCSO courts. The High Court of Chhattisgarh in association with the State government has setup 4 FTSCs and 13 E POCSO courts.*
- ii. *Percentage of cases disposed against the target given by high court cannot be calculated because of target was not set by the High Court. Percentage of cases disposed against the target given in guidelines was 22.22%.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 12.76%, 22.22% and 35.37% respectively.*
- iv. *As informed they have constituted a Monitoring Committee and quarterly Monitoring is also done by the High Court.*
- v. *As informed by the High Court they do not have sufficient infrastructure and manpower.*

5.16. Summary of Findings from Karnataka

- i. *As per the administrative Guidelines, Karnataka State had to setup 14 FTSCs and 17 E POCSO courts. The High Court of Karnataka in association with the State Government has setup only 8 E POCSO courts.*
- ii. *Percentage of cases disposed against the target given by high court was 9.08%. Similarly, the percent cases disposed against the target given in guidelines was 1.97%.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 42.72%, 10.39% and 13.65% respectively.*
- iv. *As informed they have constituted a Monitoring Committee.*
- v. *As reported by the High Court there was a positive impact of the scheme and pendency of the cases has declined after the implementation of the scheme.*

5.17. Summary of Findings from Kerala

- i. *As per the administrative Guidelines, Kerala State had to setup 42 FTSCs and 14 EPOCSO courts. The High Court of Kerala in association with the State Government has setup only 17 FTSCs.*
- ii. *Percentage of cases disposed against the target given in guidelines was 0.01% which is very low.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 4.47%, 0.00% and 6.19% respectively.*

- iv. *High Court informed that a high power committee was constituted for monitoring and timely implementation of the scheme. As reported by the High Court there was a positive impact of the scheme and pendency of the cases declined after the implementation of the scheme.*
- v. *Further, the High Court informed that the funds are insufficient to meet the requirement such as arranging video conferencing. Since the courts are examining child/ vulnerable witnesses, video conferencing facility has to be arranged in all the FTSCs for which an additional 5 lakh per court is recommended.*

5.18. Summary of Findings from Odisha

- i. *As per the administrative Guidelines, Odisha State had to setup 23 FTSCs and 22 E POCSO courts. The High Court of Odisha in association with the State Government has setup only 15 FTSCs.*
- ii. *Percentage of cases disposed against the target given in guidelines was 1.75% which is very low.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 11.70%, 0.00% and 15.61% respectively.*
- iv. *As informed they have not constituted any Monitoring Committee.*
- v. *According to High Court, the Central Government may issue necessary directions to State Government to take steps expeditiously for the operationalization of FTSCs.*

5.19. Summary of Findings from Uttarakhand

- i. *As per the administrative Guidelines, Uttarakhand State had to setup 4 E POCSO courts. The High Court of Uttarakhand in association with the State government has setup 4 FTSCs.*
- ii. *Percentage of cases disposed against the target given by high court was 41.23%. Similarly, the percentage of cases disposed against the target given in guidelines was 25.79%.*
- iii. *Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 26.42%, 15.04% and 0.00% respectively.*
- iv. *High court informed that no quarterly monitoring undertaken on operation and cases handled by FTSCs including exclusive POCSO courts and no committee is formed for the same.*
- v. *As informed by the High Court, the investigation agency should be well trained and well versed with the law and preferably experienced I.Os should be given the investigation for such cases and there are only two forensic science labs in the State, hence the number of labs should be increased so that FSL report are received well in time, as some cases are delayed for want of FSL report.*
- vi. *According to High Court, some time the child / victim is not able to speak and express himself/herself, so some translator is required.*

5.20. Summary of Findings from Meghalaya

- i. As per the administrative Guidelines, Meghalaya State had to setup 4 EPOCSO courts. The High Court of Meghalaya in association with the State government has setup 4 FTSCs.
- ii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 13.74%, 0.00% and 43.24% respectively.
- iii. Major Challenges faced by the Presiding officers are:
 - Dearth of retired Grade-I Judicial Officers/Qualified Presiding Officer in the State.
 - The State faces challenges in setting up/acquiring temporary infrastructure/scouting suitable infrastructure.
 - Finding Presiding Officers and qualified staff and recruiting is a challenge for the State since the time frame of the scheme is only 2 years.
- iv. As informed by the High Court, the duration of the scheme is only 2 years which is very short for setting up and recruiting Presiding Officers and Staff and for effective implementation of such scheme in the coming years. Perhaps, the duration/length of the scheme may be extended for a minimum period of 5 years. Besides, the staff at least needs to undergo basic judicial training.

5.21. Summary of Findings from Maharashtra

- i. As per the administrative Guidelines, Maharashtra State had to setup 108 FTSCs and 30 E POCSO courts. The Bombay High Court in association with the State Government has setup only 19 E POCSO Courts but out of that only 4 E POCSO Courts are functional.
- ii. Percentage of cases disposed against the target given in guidelines was 0.10%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 4.49%, 20.00% and 17.07% respectively.
- iv. According to High Court, getting the Scheme operationalised seem bit cumbersome, since getting retired Judicial Officers and staff for FTSCs is a tedious task. Either adequate number of retired Judicial Officers and staff are not available and, if available, seem to be reluctant to come forward to preside over or work in FTSCs. There are different challenges in operationalising FTSCs. However, at the very inception, the aforesaid shortage of required number of retired judicial officers willing to preside over the Courts is the prominent hurdle.

5.22. Summary of Findings from Bihar

- i. As informed by the Registrar General of High Court no funds utilized during the financial year 2019-20 for setting up of courts.
- ii. As informed they have constituted a Monitoring Committee.

5.23. Summary of Findings from Jammu & Kashmir

- i. As informed by the Registrar General of High Court, no funds were utilized during the financial year 2019-20 for setting up of courts.
- ii. Percentage of cases disposed against the target as given in guidelines was 0.3%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 2.44%, 0.00% and 2.44% respectively.
- iv. As informed by the Registrar General of High Court, the Government of Jammu and Kashmir has not released funds towards setting up of FTSCs including exclusive POCSO court till now.
- v. According to High Court vide communication No. 1397/AC dated 23.06.2020, Government was requested for release funds to the tune of Rs.56.25 lakhs but till date no funds have been released by the Government.

6. SUGGESTIONS AND RECOMMENDATIONS

- The spread of COVID-19 pandemic in India has adversely affected the scheme implementation across India due to the closure of many Courts subsequent to lock down scenario. Though the hearings have been held online at many places, there were undue delays due to local specific conditions. Hence, it shall be inappropriate to draw general conclusions regarding the Scheme implementation.
- Effective disposal of POCSO Cases depend to a large extent by the effective investigation by Police Personnel to the point of evidence, identification and deputing of Public prosecutors and FSL related investigations which are under State/ Central Government. Therefore, segment wise Strengthening of all the parameters are very important by the respective State Government viz., FSL may be set up for each District, Appointment of Special Public Prosecutors, Appointment of Regular Presiding Officers and Special Team of Police Personnel to investigate the POCSO cases for effective disposal. It is also important that vulnerable Witness Deposition Complexes maybe set up by the respective State Governments.
- During the time of Scheme formulation in October 2019, total of 1.67 lakh Rape and POCSO Cases were pending in various Courts. However, by June 2020, the Rape and POCSO Cases have increased to 2.69 lakh. It is recommended that the Centrally Sponsored Scheme need to be continued for atleast next two financial years.
- Central Government has to release its own share to State government and State Government releases Central and State shares to the High Court which setup the FTSCs/E POCSO courts in the State. Further, Central Government requires the consent of the State Governments for release of the funds. During the NPC field surveys, it has been observed that many states did not provide the consent in time due to which the release of Central funds got delayed. As a result, Central Assistance for the year 2020-21 is yet to be released to many states.
- In the case of some of the States who had received the grant from the Central Government did not release it to the High Courts for setting up of FTSCs/ Exclusive POCSO Courts in the state which has also resulted in slow progress in setting up FTSCs and E-POCSO Courts.

- *In the light of increased number of Rape and POCSO Cases to 2.69 lakh by June 2020, it is proposed that the remaining earmarked Courts may be Operationalized by the State Governments on a war footing so that the core objective of the scheme towards the much needed expeditious disposal of rape and POCSO cases could be realized.*
- *Monitoring of the Courts set up under the Scheme may be undertaken on a monthly basis by the High Courts and the Monthly Reports may be sent to the Department of Justice.*
- *The finding of the study suggests that there is an urgent need for organizing Training programme for all the stakeholders and awareness campaigns for the public on a regular basis to achieve the objectives of the FTSCs/Exclusive POCSO Courts Scheme.*
- *Considering the increase in the number of cases, it is proposed that the remaining earmarked courts may be Operationalized by the state governments on an urgent basis so that the core objective of the scheme towards the much needed expeditious disposal of Rape and POCSO cases could be achieved.*
- *Annual target set for the disposal of cases i.e., 165 cases per annum which is on a higher side hence there is a need to revise it downwards factoring in the present level of disposal rate.*
- *During the study, it was reported that there were delays in getting DNA & Forensic Science Laboratories (FSL) Reports and the same are not available on time as FSL facilities are available at few places only. Non availability of DNA & FSL reports causes delays in the disposal of cases.*
- *There is an urgent need to establish more Forensic Science Laboratories in the country for speedy disposal of cases. These laboratories are clearly lacking in number which delays the proceeding of the cases in the courts.*
- *It is also recommended that there should be a time frame for the submission of FSL Report to prevent unnecessary delay of the case.*
- *According to the Lawyers, forensic age determination requested by courts when real age is unknown should not suffer unfair advantage. Ossification age determination done by some doctors who give an estimated age of +/- age of 6 months to 2 years which is very critical in deciding the age of the victim. So it is required to be looked into by the authorities seriously so that all legal procedures to which the individual age is relevant can be properly followed.*
- *The investigation by Police in many cases is not completed within the stipulated time and reasons for delay is also not stated in the charge sheet.*
- *In most of the cases the presence of witnesses is not secured timely by the prosecution agency resulting in delays.*
- *Special interpreters/translators/special educators are not specifically nominated in each POCSO Court which also results in delay. Poor quality of Video Conferencing Connectivity results in delay in proceedings.*
- *Service of summons & warrants and processes is not satisfactory which also results in delay. There is a need to create high priority system of Service of summons & warrants and processes.*
- *There is a requirement to establish witness protection and compensation scheme for the security of the witnesses in the cases before FTSCs/Exclusive POCSO Courts. This will ensure deposition in the court whenever required without any difficulty.*

- *In order to ensure that advocates are properly acquainted with the functioning of FTSCs/Exclusive POCSO Courts, they must be provided with some guidance or ready reckoner for their assistance.*
- *There is an urgent need to appoint more Presiding Officers for operationalising not just FTSCs/Exclusive POCSO Courts but also regular Courts leading to increase in pendency of cases.*
- *It will be helpful if judges who are experienced in dealing with Rape and POCSO cases are appointed as presiding officers in FTSCs/Exclusive POCSO Courts.*
- *For the effective functioning of the FTSCs/ Exclusive POCSO Courts, there is a requirement of Full time Presiding Officers and to ensure the availability of dedicated staff. These Presiding Officers would be in a better position to dispose of cases in a timely manner and ensure fair and just trial.*
- *Adequate number of Staff separately for FTSCs/ Exclusive POCSO Courts need to be provided for each FTSCs/ Exclusive POCSO Courts and the staff pattern as given in the Guidelines need to be religiously followed.*
- *NPC Study Team observed that there were delays in releasing the State Rules and announcing the notifications. There is an urgent need for specific notifications and guidelines for the functioning of FTSCs/ Exclusive POCSO Courts at State/High Court level. These guidelines can provide adequate directions to the judges for efficient working. There is a need for specific recommendations of the National Court Management System which are applicable to Fast Track Special Courts for Rape & POCSO Act Cases/ Exclusive POCSO Courts.*
- *It is crucial for the effective functioning of FTSCs/Exclusive POCSO Courts that judges are allowed to put case specific time frames for deciding cases in FTSCs.*
- *There is a requirement of immediate action on providing safe and comfortable environment to victims especially women and children in all FTSCs in the country by using modern technology like video conference.*
- *For the smooth functioning of FTSCs/Exclusive POCSO Courts, it is essential that judges are provided with proper and updated modern facilities like computer, technical staff and internet.*
- *It is recommended that incentives should be given to judges for disposal of cases which are pending for more than 5 years to clear the backlog of cases in FTSCs/Exclusive POCSO Courts. This will also encourage and motivate judges to handle these cases in a speedy manner.*
- *Adequate publicity about the enactment of Fast Track Special Courts (FTSCs) for Rape & POCSO Act Cases/ Exclusive POCSO Courts and awareness about the FTSCs/ Exclusive POCSO Courts need to be brought to the notice of the public through legal awareness programmes. Further, NGOs, Legal Service Authorities etc., must be engaged to ensure awareness about the same to litigants/ witness and general public.*
- *Delayed release by State Government of Central Share received and in some cases non-release of the Central share by the State to the respective High Courts coupled with the non-release of the State Contribution adversely affected the implementation of the FTSCs for Rape & POCSO Act Cases/ Exclusive POCSO Courts. Further, many State Governments are yet to submit UCs to DoJ for further release of the installments. However, certain States such as Uttar Pradesh have released funds in a*

- lump sum manner along with the regular release. State government of Rajasthan has released funds at a much higher level for the implementation of the scheme.*
- *Creation of awareness among various stakeholders: Suitable steps may be taken for creating awareness among various stakeholders including the public prosecutors and police officers.*
 - *Most cases in FTSCs/Exclusive POCSO Courts have been pending for about one year. This defeats the purpose of FTSCs/Exclusive POCSO Courts to provide speedy justice. This is due to a number of reasons including delay in submission of evidence (e.g. lack of timely submission of the Forensic Science Laboratory Report).The fair and speedy disposal aspect could improve if cases are disposed off in timely manner.*
 - *DoJ may form a State Monitoring Committee under the Chairmanship of Chief Justice of the High Court with a member from DoJ, Government of India, and members including Chief Secretary, Principals Secretary (Law), Principals Secretary (Home)/DGP, Principals Secretary (Finance), Registrar General, Chairman and Nodal officer (FTSCs/Exclusive POCSO Courts) at High Court and prepare Terms of Reference (ToR) of the Committee and the Committee may submit report to DoJ, Government of India. For effective functioning of FTSCs/Exclusive POCSO Courts, Committee also needs to be formed at District Judgeship and District Magistrate and SSP/SP, Presiding Officers and other official related to FTSCs/Exclusive POCSO Courts need to be included.*
 - *FTSCs/Exclusive POCSO Courts have a long way to go in fulfilling their purpose, whether improving access to judicial institutions or reducing pendency of cases. Despite being excellent models, FTSCs/Exclusive POCSO Courts have been grappling with systemic defects, inadequate consideration of the need based decision taking, lack of funding and worst of all, lack of due consideration marred by delays at various levels coupled with the extraordinary situation of COVID-19 pandemic.*

Based on the detailed analysis of both secondary data, information and field level feedback received from State Law Secretaries, Registrar Generals of High Courts, Presiding Officers of FTSCs/Exclusive POCSO Courts, Lawyers, Witnesses/Litigants etc., it has been found that the Scheme implementation during 2019-20 and 2020-21 has made marginal improvements in expeditious disposal of Rape and POCSO Cases across India. However, many High Courts have come on board for implementing the Scheme. Despite being excellent model, FTSCs/Exclusive POCSO Courts have been grappling with systemic defects, delays in the timely release by the State Government of funds that have been received from Central Government to the respective High Courts and release of State Governments own share by majority of States coupled with the extraordinary situation of COVID-19 pandemic. Considering the importance of the scheme and its contribution towards the much needed expeditious disposal of Rape and POCSO Act Cases, it is recommended that the Centrally Sponsored Scheme need to be continued for at least two financial years as well with additional funds and putting in place professional project management systems and regular monitoring by Department of Justice, Ministry of Law and Justice, Government of India.

CHAPTER I
INTRODUCTION

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1.1 BACKGROUND

Recent incidents of rape and gang rape of minor girls below the age of twelve and similar heinous crimes against women shook the conscience of the entire nation. To prevent such crimes, stricter laws were introduced through “the Criminal Law (Amendment) Act, 2018”. It strengthened the relevant provisions of Indian Penal Code (IPC), Criminal Procedure Code (Cr.PC), Evidence Act and Protection of Children against Sexual Offences Act (POCSO) and provided for stringent punishment for rape of children and women.

The key motive behind introducing harsh punishment is to create deterrence against such crimes. However, it is only possible if the trial in the court is completed within the time frame and justice is delivered expeditiously to the victims. Further, the proposed ‘National Mission for Safety of Women’ anchored with Ministry of Home Affairs (MHA), supports the view. One of its key objectives is to expedite the trial and disposal of cases involving women and children by setting up Fast Track Special Courts (FTSCs). The POCSO Act also mandates that the investigation in the cases is to be completed in two months and trial in 6 months. However, despite a strong law and policy framework, large numbers of rape and POCSO Act cases are pending in various courts in the country.

Hon’ble Supreme Court of India took up the issue of “completion of timely investigations and consequential trials in the offences under POCSO Act” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. To assist the implementation of the Criminal Law Amendment Act 2018, the recent amendments to POCSO Act, 2019 and the directions of the Hon’ble Apex Court, a key intervention was setting up specific courts for time bound disposal of Rape and POCSO Act cases. This included specific courts for POCSO Act.

Union of India finalized a Scheme in August, 2019 for setting up Fast Track Special Court (FTSC) for expeditious trial and disposal of cases related to Rape and POCSO Act in furtherance to the Criminal Law (Amendment) Act, 2018. The present scheme of Department of Justice (DoJ) aims at effective implementation of Criminal Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country. The relevant portion (pertaining to the present scheme) provides that in each district of the country, if there are more than 100 cases under the POCSO Act, an exclusive/designated special court will be set up which will try no other offence except those under the POCSO Act.

As mentioned above, a total of 1023 Fast Track Special Courts were to be set up all over the country. There are 389 districts in the country where the number of pending cases under POCSO Act exceeds 100. Therefore, as per the order of Hon’ble Apex Court, in each of these districts one exclusive POCSO court had to be set up which will try no other cases. Depending upon the pendency of POCSO Cases the State/UT Governments in consultation with the High Court could however decide if more number of exclusive POCSO Courts need to be established within overall number of FTSCs provided under this scheme.

The 1023 FTSCs were proposed to be setup to dispose off 1,66,882 cases of Rape and POCSO Act, that are pending trial in various courts. The above number is derived from the data provided by all High Courts as on 31.3.2018. However, keeping in mind the directions of the Hon'ble Apex Court on 25.7.2019, the latest data (as on 30.06.2019) on pending POCSO Act cases was collected from various High Courts. Each FTSC was expected to dispose off, 41-42 cases in each quarter and at least 165 cases in a year. Out of total number of 1023 FTSCs in the States/UTs as per the scheme a total of 389 FTSCs exclusively for POCSO act cases and 634 FTSCs for cases of Rape and/or POCSO Act were to be made operational by the States/UTs.

1.2 FINANCIAL ALLOCATION

Financing of the Centrally Sponsored Scheme (CSS) is on the CSS pattern wherein, 60% of the share is contributed by Central Government and 40% by State & UT Governments. This ratio of 60:40 is applicable for all States except North-Eastern States including Sikkim and three hilly States/UTs i.e., UT of J&K, Himachal Pradesh and Uttarakhand where the sharing will be in the ratio of 90:10. Further, for UTs with legislature the ratio is 60:40 and for other UTs, entire funding is borne by the Central government.

The Scheme had been instituted for a period of 1 year - spread over 2 financial years (2019-20 and 2020-21). Project cost for the Scheme is Rs 767.25 Crores at CSS (Centrally Sponsored Scheme) pattern with Central share of Rs. 474 Crores under Nirbhaya Fund. As of the latest data received from Department of Justice, Ministry of Law and Justice, the total allocation for the Financial year 2019-20 under the Nirbhaya fund was Rs. 140 Crores and the budgetary Estimates Allocation under Nirbhaya fund for the Financial year 2019-20 under the Scheme was Rs. 150 Crores under the Central Share to be released to States/UTs.

In view of the above, Department of Justice, Ministry of Law and Justice, Government of India, requested **National Productivity Council (NPC)**, an experienced agency in undertaking evaluation studies of the Schemes of various Central Ministries, to undertake **“Third Party Evaluation of Scheme on Fast Track Special Courts (FTSCS) for Expeditious Disposal of Cases of Rape and Protection of Children Against Sexual Offences (POCSO) Act”** with the following Terms of Reference.

1.3 TERMS OF REFERENCE

The study covers the following key aspects of the operation of the scheme

- (i) Progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts.
- (ii) Progress in transferring cases to the FTSCs including exclusive POCSO courts.
- (iii) Progress in taking up and disposal of the cases by the FTSCs including exclusive POCSO courts.
- (iv) Evaluation of the progress with reference to targets set
- (v) Evaluation of the conviction rates of the FTSCs *vis a vis* the Regular Courts
- (vi) Constraints faced by the FTSCs including exclusive POCSO courts in their operation and recommendations for overcoming the constraints

- (vii) Overall assessment of the impact and operation of the scheme and recommendations for maximising the impact of the scheme in delivering justice expeditiously.

The evaluation study of the scheme will also include the following:

- (i) To evaluate the implementation of the Scheme including monitoring mechanism and suggest suitable modification(s) for making the Scheme more effective in the coming years.
- (ii) To assess improvements in Fast Track Justice Delivery mechanism & positive impact after setting up Fast Track Special Courts.
- (iii) To identify the major problems/Challenges faced in operationalising Fast Track Special Courts.
- (iv) To provide suggestion and modifications in the scheme so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years.

1.4 METHODOLOGY

An evaluation study of this magnitude requires detailed information/data pertaining to the Scheme implementation including physical and financial targets and milestones achieved for all the projects sanctioned. NPC has undertaken the study in **two broad phases**.

First phase of the evaluation study focused on detailed desk research wherein the information/data pertaining to setting up 1023 Fast Track Special Court (FTSC) for expeditious trial and disposal of cases related to rape and POCSO Act in furtherance to the Criminal Law (Amendment) Act, 2018 including physical and financial targets and achievements was compiled and analyzed from 2019-20 onwards. This part of the study provided a **baseline** for the evaluation of **Third Party Evaluation of Scheme on Fast Track Special Courts (FTSCs) for Expeditious Disposal of Cases of Rape and Protection Of Children against Sexual Offences (POCSO) Act** and defined the assessment framework for the evaluation at the High Court, as well as District and Subordinate Courts level where Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases and/or Exclusive POCSO Courts have been setup and are presently functional.

The broad methodology in the first phase focuses on detailed desk research wherein the information/data pertaining to the Scheme implementation including physical and financial targets and milestones achieved during the Study period has been compiled from the official records of relevant data and information from Department of Justice, Project Monitoring Unit, Minutes of the meetings etc. Data has been compiled, collated and analyzed for the Scheme on Fast Track Special Courts (FTSCS) for expeditious disposal of cases of Rape and Protection of Children against Sexual Offences (POCSO) Act during the implementation period of 2019-20 and 2020-21 (Till 31.07.2020).

Second phase of the evaluation study focused on detailed field level interactions and surveys of State Governments (Law Secretaries), High Courts (Registrar Generals/Nodal Officers), Presiding Officers/Judges of FTSCs/FTSCs dealing with POCSO cases exclusively, Lawyers and Litigants/ Witnesses etc. The data related to the Physical and Financial achievements, budget outlays and targets, Funds released and utilized,

exclusivity based coverage of Courts, setting up and functioning of Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases and/or Exclusive POCSO Courts etc., have been evaluated mainly through Stakeholder specific questionnaires. Further, the data and information along with feedbacks collected on the aspect of objectives and targets of various activities carried out, such as setting up and operationalisation of the FTSCs including exclusive POCSO courts, Progress in taking up, transferring cases and disposal of the cases by the FTSCs including exclusive POCSO courts activities, conviction rates, constraints, problems, challenges faced at different stages of implementation of the Project and the suggestion and recommendations for maximizing the impact of the scheme in delivering justice expeditiously.

Field Surveys have been undertaken through structured questionnaires through personal surveys across 13 selected States. Further, information, data and feedback collected through emailed questionnaires from additional 10 States covering a total of 21 High Courts. Specific questionnaires have been designed for State Governments (Law Secretaries) (**Annexure 1.1**), High Courts (Registrar Generals) (**Annexure 1.2**), Presiding Officers/Judges of FTSCs/FTSCs dealing with POCSO cases exclusively (**Annexure 1.3**), Lawyers (**Annexure 1.4**), Litigants/ Witnesses (**Annexure 1.5**) and Survey Checklist Addendum regarding Conviction rate in cases taken up by FTSCs *vis a vis* Regular Courts (**Annexure 1.6**). The States/High Courts included in NPC field surveys have been selected in consultation with Department of Justice, Ministry of Law and Justice, Government of India.

1.5 SAMPLE DESIGN

The key stakeholders under the study are State Governments (Law Secretaries), High Courts (Registrar Generals/Nodal Officers), Presiding Officers/Judges of FTSCs/FTSCs dealing with POCSO cases exclusively, Lawyers and Litigants/ Witnesses. Crucial information from the States/High Courts have been collected by NPC Study Team from 23 States under the jurisdiction of 21 High Courts through both direct (personal) and indirect (e-mail) methods. The detail of the States and High Courts covered in the field survey is given in the **Table 1.1**.

Table 1.1: Sample Coverage of States and High Courts for NPC Field Survey

Sl.No.	High Courts	State
1.	Allahabad High Court	Uttar Pradesh
2.	Punjab & Haryana High Court	Haryana
		Chandigarh
		Punjab
3.	Himachal Pradesh High Court	Himachal Pradesh
4.	High Court of Jharkhand	Jharkhand
5.	Madhya Pradesh High Court	Madhya Pradesh
6.	High Court of Gujarat	Gujarat
7.	High Court of Telengana	Telengana
8.	Madras High Court	Tamil Nadu

9.	Gauhati High Court	Assam
10.	Tripura High Court	Tripura
11.	High Court of Andhra Pradesh	Andhra Pradesh
12.	Patna High Court	Bihar
13.	High Court of Chhattisgarh	Chhattisgarh
14.	High Court of Jammu	Jammu & Kashmir
15.	High Court of Karnataka	Karnataka
16.	High Court Kerala	Kerala
17.	Bombay High Court	Maharashtra
18.	Orissa High Court	Odisha
19.	Rajasthan High Court	Rajasthan
20.	High Court of Uttarakhand	Uttarakhand
21.	High Court of Meghalaya	Meghalaya

The sample coverage of **Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases and Fast Track Special Courts (FTSCs) for exclusively for POCSO** with key stakeholders viz. High Courts (Registrar Generals/Nodal Officers), Presiding Officers/Judges of FTSCs/FTSCs dealing with POCSO cases exclusively, Lawyers and Litigants/ Witnesses taken up for direct personal interviews are given in **Table 1.2**.

Table 1.2: State Wise Sample Coverage of FTSCs/FTSCs dealing with POCSO cases exclusively, Lawyers and Litigants/ Witnesses for NPC Field Survey

Sl.No.	Region	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts out of total FTSCs	Presiding Officers (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)	
1.	Hilly States	Himachal Pradesh	3	3	2	2	2	
2.	North	Haryana	6	4	6	6	6	
3.		Chandigarh	1	0	0	0	0	
4.		Punjab	2	2	0	0	0	
5.	East	Jharkhand	8	8	8	17	6	
6.	Central	Madhya Pradesh	6	3	6	6	2	
7.	South	Telangana	3	3	3	3	0	
8.		Tamil Nadu	7	7	7	4	1	
9.	North East	Assam	6	6	6	13	7	
10.		Tripura	3	2	3	2	2	
11.	West	Rajasthan	41	26	41	0	0	
12.	North	Uttar Pradesh	The Discussion and meetings with subordinate level courts not permitted					

13.	West	Gujarat	The Discussion and meetings with subordinate level courts not permitted				
		Total	85	64	81	53	26

Source: NPC Field Survey

*Since the Rajasthan High Court requested all its Presiding Officers of FTSCs/FTSCs dealing with POCSO cases exclusively, to respond to NPC field survey, 41 Presiding Officers of Rajasthan submitted filled in Questionnaires for the study.

1.6 CHAPTER SCHEME

Third party evaluation report has been prepared in Five Chapters. Chapter I provide the broad outline of the study, TOR and Methodology. Chapter II provides the Guidelines of the Scheme for Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act. Chapter III analyses the secondary data and literature compiled from various sources such as Department of Justice and State Governments. Chapter IV discusses Field Survey Findings of the implementation of the Scheme selected from the states of Haryana, Himachal Pradesh, Chandigarh, Punjab, Jharkhand, Madhya Pradesh, Telengana, Tamil Nadu, Rajasthan, Uttar Pradesh, Gujarat, Assam and Tripura. Chapter V provides Summary and Recommendations of the Evaluation Study.

1.7 LIMITATIONS OF THE STUDY

Since the evaluation study was undertaken within a very short period of 6 weeks on a pan India basis, the study team had to rely mainly on secondary sources of data and material that are readily available with the Department of Justice, High Courts, State law/ Home Department etc. In the case of field survey, High Court (**Registrar General**), **Presiding officers** of Operational FTSCs/Exclusive POCSO courts, **Lawyers, Litigants/Witnesses**, etc., State level and High Court level personal follow ups by NPC study team started well in advance after getting approval of the Questionnaires from DoJ. Even after consistent follow-up, the receipt of the data and information was delayed due to the non-availability of staff due to COVID conditions and therefore delay in receipt of filled up questionnaires to NPC Study Team. Further, field level surveys of Presiding Officers/Judges of FTSCs/Exclusive POCSO courts could be undertaken only after obtaining the permission from the respective High Courts. Among the 10 High Courts selected for the detailed field surveys, only a few High Courts granted permission to NPC study team for the field level interactions. Since physical hearings are rarely taking place at the FTSCs nowadays, Lawyers, Litigants/ Witnesses are not available at Court premises hence the study team was constrained to take up the study with revised sample as per ground situation. In certain cases (such as Uttar Pradesh & Gujarat) NPC study team was not permitted to undertake field surveys of the FTSCs including exclusive POCSO Courts. There were also instances of COVID containment and lockdowns wherein the permission of entry (such as Haryana) was not granted to NPC Study Team. Feedback received from various stakeholder categories such as High Courts, FTSCs, FTSCs dealing with POCSO cases exclusively, Judges, Lawyers, Litigants, Witnesses, etc., have opened up a number of issues w.r.t implementation of the scheme.

CHAPTER II

**GUIDELINES OF THE SCHEME ON
FAST TRACK SPECIAL COURTS (FTSCs)
FOR EXPEDITIOUS DISPOSAL OF CASES
OF RAPE AND PROTECTION OF
CHILDREN AGAINST SEXUAL OFFENCES
(POCSO) ACT**

CHAPTER II

GUIDELINES OF THE SCHEME ON FAST TRACK SPECIAL COURTS (FTSCs) FOR EXPEDITIOUS DISPOSAL OF CASES OF RAPE AND PROTECTION OF CHILDREN AGAINST SEXUAL OFFENCES (POCSO) ACT

2.1 Introduction

Recent incidents of rape and gang rape of minor girls below the age of twelve and similar heinous crimes against women shook the conscience of the entire nation. To prevent such crimes, stricter laws were introduced through “the Criminal Law (Amendment) Act, 2018”. It strengthened the relevant provisions of Indian Penal Code (IPC), Criminal Procedure Code (Cr.PC), Evidence Act and Protection of Children Against Sexual Offences Act (POCSO) and provided for stringent punishment for rape of children and women.

The key motive behind introducing harsh punishment is to create deterrence against such crimes. However, it is only possible if the trial in the court is completed within the time frame and justice is delivered expeditiously to the victims. Further, the proposed ‘National Mission for Safety of Women’ anchored with M/o Home Affairs (MHA), supports the view. One of its key objective is to expedite the trial and disposal of cases involving women and children by setting up Fast Track Special Courts (FTSCs). The POCSO Act also **mandates that the investigation** in the cases is to be completed in two months and trial in 6 months. However, despite a strong law and policy framework, large number of rape and POCSO Act cases are pending in various courts in the country.

The Hon’ble Supreme Court of India took up the issue of “completion of timely investigations and consequential trials in the offences under POCSO Act” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. The relevant portion (pertaining to the present scheme) provides that in each district of the country, if there are more than 100 cases under the POCSO Act, an exclusive/designated special court will be set up which will try no other offence except those under the POCSO Act.

To assist the implementation of the Criminal Law Amendment Act 2018, the recent amendments to POCSO Act, 2019 and the directions of the Hon’ble Apex Court, a key intervention would be, setting up specific courts for time bound disposal of Rape and POCSO Act cases. This will include specific courts for POCSO Act.

2.2 Objective

The present scheme of Department of Justice aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country.

2.3 Target

The 1023 FTSCs will dispose off **1,66,882** cases of Rape and POCSO Act, that are pending trial in various courts. The above number is derived from the data provided by all

High Courts as on 31.3.2018. However, keeping in mind the directions of the Hon'ble Apex Court on 25.7.2019, the latest data (as on 30.06.2019) on pending POCSO Act cases was collected from various High Courts. A State/UT-wise break up of such pending cases of both Rape and POCSO Act and specifically POCSO Act is given in **Annexure 2.1 and 2.2 respectively**.

A total of 1023 FTSCs will be set up under the Scheme out of which 389 FTSCs will exclusively handle POCSO Act cases as per directions of the Hon'ble Apex Court. The remaining 634 FTSCs will deal with either rape cases or both rape and POCSO Act cases depending on the pendency and requirement. Each FTSC is expected to dispose off, 41-42 cases in each quarter and at least 165 cases in a year.

2.4 Geographic Coverage

As mentioned above, a total of 1023 Fast Track Special Courts will be set up all over the country. There are 389 districts in the country where the number of pending cases under POCSO Act exceeds 100. Therefore, as per the order of Hon'ble Apex Court, in each of these districts one exclusive POCSO court will be set up which will try no other cases. Depending upon the pendency of POCSO Cases the State/UT Governments in consultation with the High Court could however decide if more number of exclusive POCSO Courts need to be established within overall number of FTSCs provided under this scheme. (**Annexure 2.3 and 2.4 for State& UT wise distribution of FTSCs**)

2.5 Time Period

FTSCs will be set up for **one year, spread over two financial years: 2019-20 & 2020-21**. The decision on extension of the scheme beyond one year will depend on the recommendations in the external evaluation to be carried out in the third/fourth quarter of the Scheme, and subsequent approvals of the competent authorities.

2.6 Functioning of the FTSCs

- i. FTSCs are set up for one year initially (subject to approval). Therefore, the Scheme does not intend to create any permanent infrastructure. The courts will be made functional in suitable premises taken on lease or as decided by the States/UTs and respective High Courts.
- ii. Each FTSC will have one Judicial Officer and seven staff members. The Judicial officer and staff will work exclusively for disposal of Rape and POCSO Act cases as per this Scheme. Additional charge of the FTSCs will not be given to any existing Judicial Officer or court staff.
- iii. States/UTs may engage judicial officers and court staff on contractual basis where sufficient manpower is not available. Services of retired judicial officers with relevant experience may also be engaged to dispose of cases in the FTSCs.
- iv. The responsibility of setting up of FTSCs lies with the State& UT governments. The State/UT governments will take requirements from the High Courts and draw up an action plan of implementation.
- v. Each FTSC will exclusively handle pending cases of Rape and POCSO Act. No other cases of crime against women and children should be transferred to these courts.

- vi. FTSCs will function full time.
- vii. FTSCs will be linked to National Judicial Data Grid.

2.7 Financing: Centrally Sponsored Scheme

- i. The financing of the Scheme will be on the pattern of Centrally Sponsored Schemes as follows:
- ii. As per CSS, 60% of the share is contributed by Central Government and 40% by State & UT governments. This ratio of 60:40 is applicable for all States except North-Eastern States including Sikkim and three hilly States i.e. J&K, Himachal Pradesh and Uttarakhand where the sharing will be in the ratio of 90:10.
- iii. Further, for UTs with legislature the ratio will be 60:40 and for other UTs, entire funding will be by the Central government.
- iv. Provisions of funds is made for meeting expenses of rent for the FTSC premises, remuneration to one presiding officer and seven support staff and flexi grants. Flexi Grant can be utilized for meeting daily operational expenses and making the courts child and women friendly. Budget break up is provided in **Annexure 2.6**.

2.8 Implementation Framework

- i. The Scheme will be implemented by the State/UT Governments and High Courts in close coordination.
- ii. The Scheme will be launched, first in those States and UTs which have conveyed their preparedness to the Department of Justice. The remaining States& UTs will be taken up subsequently. States& UTs/High Courts desirous of on-boarding into the Scheme may convey their concurrence by December 31, 2019.
- iii. The Scheme will be implemented in the following manner:
 - a. Department of Justice will assist all States& UTs and High Courts for implementation of this Scheme. The participant States & UTs/UTs will be apprised with the entire implementation framework of Scheme to help them understand their roles and responsibilities.
 - b. States/UT Governments will take requirements from High Courts and set up FTSCs, appoint judicial officers and staff and make necessary arrangements for functioning of these courts.
 - c. A review of the case disposal will also be tracked from NJDG database regularly.
 - d. **Data Collection and Analysis:** Data will be collected from the quarterly reports submitted by High Courts and NJDG database by the Department of Justice. It will analyze the data and draw a comparative analysis of performance of FTSCs across States& UTs to identify good practices and good performance. Besides this, insights will be gathered on the challenges faced by FTSCs in following fast track procedures. This analysis will be shared with Ministry of Women and Child Development, Ministry of Home Affairs, Judiciary and other key stakeholders for supporting policies and procedures for strengthening justice delivery for victims of heinous crimes of rape and POCSO.

- e. **Coordination between Department of Justice, Law Departments of States/UTs and High Courts:** For a smooth initiation and functioning of the FTSCs, it is important that:
- Firstly, rape and POCSO Act cases pending in other courts are segregated and transferred to the newly constituted FTSCs under this Scheme.
 - Secondly, each FTSC will be ascertained as Fast Track Court in Master Data and J.O. Code of the Presiding Officer will be tagged with such FTSC while linking it to National Judicial Data Grid. This will ensure efficient tracking of disposal of cases by the FTSC. A proforma for providing the JO code for the FTSCs is placed at **Annexure 2.8** which may be filled up by the High Courts and sent to Department of Justice within 15 days of receipt of this Scheme guideline.
 - Thirdly, for a timely and efficient implementation of the Scheme, a separate budget head for receiving the above funds for the FTSCs may be created. Law Departments in the State/UT may convey action taken in this regard at the earliest. A reply format is placed at **Annexure 2.7** which may be used, if deemed fit. This will help the Department of Justice in processing the transfer of funds at an early date.
- f. States/UTs will appoint/ designate a nodal person in the High Court to facilitate better coordination with the Department during the course of the Scheme.
- g. A quarterly progress report comprising of physical and financial in a prescribed format will be shared with the Department of Justice.
- h. Progress Review: The Scheme will be monitored as per the output and outcome framework placed at **Annexure 2.5**.
- i. For clarification on any point, you may get in touch with the resource persons of the Department whose names and contact details are enclosed in **Annexure 2.9**. The Department of Justice is committed to extend all requisite assistance to the High Court and the State & UT Government in setting up these courts. It is endeavored to start the FTSCs on or before October 2, 2019.

2.9 Functional Responsibility

Director (J-II) will be the overall in charge of implementation of this Scheme in the country under the overall supervision of Joint Secretary (Justice-II) and the Secretary Department of Justice, Ministry of Law and Justice. The Director (J-II) shall be assisted by a team of personnel. This team shall be responsible to roll-out the scheme, organize workshops, timely release of funds to the States/UTs, receive physical & financial progress reports and conduct periodic monitoring, capacity building of stakeholders.

At the State/UT level, the Registrar General of High Courts and Law Secretaries shall be responsible for the implementation of the Scheme and achievement of targets. A nodal officer from the High Court as well as the Law Department will be appointed who will assist the High Courts and States/UTs respectively in different tasks under the Scheme

such as identification of premises for FTSCs, preparation of contracts for staff, compilation and submission of reports, coordinate and the Department of Justice (DoJ) team.

2.10 Evaluation

The Scheme will be evaluated by an independent external agency in the third quarter. The terms of reference of the evaluation will be drawn by Department of Justice in consultation with MHA and WCD. Based on the outcomes of the evaluation, a revised proposal will be put up for continuation of the Scheme for further period, before the EFC.

2.11 Sustainability and Convergence with other Schemes

The Scheme envisages targeted disposal of 1,66,882 cases of Rape and POCSO Act which includes 160989 cases of POCSO Act (as per the data collected from HCs on 31.6.2019) which includes within one year. After the Scheme period, the remaining cases, if any, will be dealt with by the Fast Track Courts proposed to be set up under the 15th Finance Commission (2020-2025) or other special courts as decided by the State &UT Governments and High Courts.

CHAPTER III

**OVERALL PHYSICAL & FINANCIAL
PROGRESS OF THE SCHEME ON
FTSCs FOR EXPEDITIOUS DISPOSAL OF
CASES OF RAPE AND POCSO ACT**

CHAPTER III

OVERALL PHYSICAL & FINANCIAL PROGRESS OF THE SCHEME ON FTSCs FOR EXPEDITIOUS DISPOSAL OF CASES OF RAPE AND POCSO ACT

3.1. Introduction

In this chapter detailed analysis has been carried out based on the secondary data collected from Department of Justice (DoJ), Project Monitoring Unit on Fast Track Special Courts (FTSCS) for expeditious disposal of Cases of Rape and Protection of Children Against Sexual Offences (POCSO) Act during the implementation of the scheme in the years 2019-20 and 2020-21 (Till 31.07.2020). Under the Scheme, DoJ aims at effective implementation of Criminal Law Amendment Act, 2018 by ensuring targeted disposal of pending Rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country.

This part of the study provided a baseline for undertaking the Third Party Evaluation of Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act and defined the assessment framework for the evaluation at the High Court, as well as District and Subordinate Courts where Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases and/or Exclusive POCSO Courts have been setup and are presently functional.

3.2 Physical and Financial progress of the Scheme

3.2.1 Physical Progress of the Scheme

A total of 1023 FTSCs were proposed to be set up under the Scheme out of which 389 FTSCs will exclusively handle POCSO Act cases as per directions of the Hon'ble Apex Court. The remaining 634 FTSCs will deal with either Rape Cases or both Rape and POCSO Act Cases depending on the pendency and requirement for disposing off 1,66,882 cases of Rape and POCSO Act in two years. There are 389 districts in the country where the number of pending cases under POCSO Act exceeds 100. Therefore, as per the order of Hon'ble Apex Court, in each of these districts one exclusive POCSO court will be set up which will try no other cases. Depending upon the pendency of POCSO Cases the State/UT Governments in consultation with the High Court could, however, decide if more number of exclusive POCSO Courts needs to be established within overall number of FTSCs provided under the scheme. **The target of 41-42 cases in each quarter and at least 165 cases in a year for disposal of cases is given in the guidelines.** The FTSCs wise overall physical progress of the scheme is given in the **table 3.1, 3.2 and 3.3.**

Table 3.1: FTSC wise Physical Progress of the Scheme as on 31.08.2020

Sl.No.	States/UTs	Numbers as per Scheme			Actual Operationalization			Physical Progress Percentage	
		Total No. of FTSCs in the State/UT as per the Scheme	Exclusive Court for cases of POCSO Act	FTSCs for cases of rape/and or POCSO Act	Total No. of Functional FTSCs in the State/UT	No. of Functional Exclusive POCSO court	No. of Functional FTSCs for cases of rape/and or POCSO Act	Functional Exclusive POCSO Courts setup under the scheme	Functional FTSCs for cases of rape/and or POCSO Act setup under the scheme
1	Andhra Pradesh	18	8	10	18	8	10	100.00	100.00
2	Bihar	54	30	24	34	34	0	113.33	0.00
3	Chhattisgarh	15	11	4	15	11	4	100.00	100.00
4	West Bengal	123	20	103	NA	NA	NA		
5	Andaman & Nicobar Islands	1	1	0	NA	NA	NA		
6	Delhi	16	11	5	0	0	0	0.00	0.00
7	Gujarat	35	24	11	35	24	11	100.00	100.00
8	Assam	27	15	12	27	7	20	46.67	166.67
9	Arunachal Pradesh	3	0	3	NA	NA	NA		
10	Mizoram	3	1	2	0	0	0	0.00	0.00
11	Nagaland	1	0	1	1	0	1		100.00
12	Maharashtra	138	30	108	17	17	0	56.67	0.00
13	Goa	2	0	2	0	0	0		0.00
14	Himachal Pradesh	6	3	3	6	3	3	100.00	100.00
15	J&K	4	0	4	0	0	0		0.00
16	Jharkhand	22	8	14	22	8	14	100.00	100.00
17	Karnataka	31	17	14	8	8	0	47.06	0.00
18	Kerala	56	14	42	17	14	3	100.00	7.14
19	Madhya Pradesh	67	26	41	67	26	41	100.00	100.00
20	Manipur	2	0	2	0	0	0		0.00
21	Meghalaya	5	5	0	4	4	0	80.00	
22	Odisha	45	22	23	15	15	0	68.18	0.00
23	Punjab	12	2	10	2	2	0	100.00	0.00
24	Haryana	16	12	4	16	12	4	100.00	100.00
25	Chandigarh	1	0	1	0	0	0		0.00
26	Rajasthan	45	26	19	45	26	19	100.00	100.00
27	Tamil Nadu	14	14	0	14	14	0	100.00	
28	Tripura	3	1	2	3	1	2	100.00	100.00
29	Telangana	36	10	26	9	9	0	90.00	0.00
30	Uttar Pradesh	218	74	144	218	74	144	100.00	100.00
31	Uttarakhand	4	4	0	4	4	0	100.00	
	Total	1023	389	634	597	321	276	82.52	43.53

Source: Department of Justice, Ministry of Law & Justice

Table 3.2: Case wise Physical Progress of the Scheme as on 31.08.2020

Sl.No.	Name of State/UT	Cases pending under Rape and POCSO Act (Nos.)	No. of Cases Transferred to FTSCs	No. of Cases Transferred to Exclusive POCSO Courts	No. of Cases disposed off by FTSCs	No. of Cases disposed Off by Exclusive POCSO Courts	Percentage of Number of Cases transferred to Cases disposed Off by FTSCs	Percentage of Number of Cases transferred to Cases disposed Off by Exclusive POCSO Courts
1	Andhra Pradesh		4514	2916	20	5	0.44	0.17
2	Telangana			4234		44		1.04
3	A/N Islands							
4	Arunachal Pradesh	403	401	434	1	1	0.25	0.23
5	Assam		9087	2841	45	16	0.50	0.56
6	Bihar							
7	Chandigarh	150	146		0			
8	Chhattisgarh	409	1337	6611	8	2	0.60	0.03
9	Goa							
10	Gujarat	1219	5988	12723	17	310	0.28	2.44
11	Haryana	606	2614	7234	13	10	0.50	0.14
12	Himachal Pradesh	2020		1716		23		1.34
13	Jammu & Kashmir							
14	Jharkhand	7356	7194	3480	25	136	0.35	3.91
15	Karnataka			5718		86		1.50
16	Kerala	2465	2465		0		0.00	
17	Madhya Pradesh	2623	24722	26683	964	1181	3.90	4.43
18	Maharashtra			515		17		3.30
19	Manipur							
20	Meghalaya			648		0		
21	Mizoram							
22	Nagaland		26		3		11.54	
23	NCT of Delhi							
24	Odisha			16461		36		0.22
25	Punjab			1608		237		14.74
26	Rajasthan	2246	10593	17837	194	385	1.83	2.16
27	Tamil Nadu			13718		108		0.79
28	Tripura	143	419	330	3	3	0.72	0.91
29	Uttarakhand	498	2483	3001	18	115	0.72	3.83
30	Uttar Pradesh	41693	149437		3312		2.22	
31	West Bengal							
	Total	61831	221426	128708	7338	2715	3.31	2.11

Source: Department of Justice, Ministry of Law & Justice

Note: - Figures reflected under the column Cases Pending are of July'2020.

Table 3.3: State wise functional courts and cases registered as on 30.06.2020

S.No.	Rape & POCSO Act Cases as on 30.06.2020					
	Name of the State/UTs	No. of Courts Functional (30.06.2020)	Number of Cases at the beginning of 2 nd Quarter (01.04.2020 to 30.06.2020)	Number of Cases Registered during 2 nd Quarter (01.04.2020 to 30.06.2020)	No. of cases disposed off during 2 nd Quarter	No. of Cases Pending as on 30.06.2020
1	Andhra Pradesh, Amravati	0	4180	150	25	4305
2	Assam		6211			
	Arunachal Pradesh	0	386	10	4	
	Mizoram	0	346	17	20	343
	Nagaland	0	102	2	2	102
3	Bihar	37	14758	1117	56	15819
4	Chhattisgarh	0	3950	359	26	4283
5	*Delhi	0	11324	785	891	11418
6	Goa	6	37	3	0	40
	Maharashtra	226	22693	1251	71	23873
7	Gujarat	0	8406	451	39	8818
8	Haryana	4	1794	221	68	1947
	Punjab	0	1794	221	68	1947
	Chandigarh	0	130	4	1	133
9	Himachal Pradesh	0	10317	235	228	10324
10	Jammu & Kashmir	22	2216	19	12	2223
11	Jharkhand		2781	201	35	2947
12	Karnataka	0	6339	681	261	6759
13	Kerala & Lakshadweep	0	11130	886	555	11461
14	Madhya Pradesh	83	22208	1643	131	23720
15	Manipur	0	0	0	0	0
16	Meghalaya	0	897	43	1	939
17	Odisha	0	11477	657	41	12093
18	Rajasthan	0	10876	506	85	11293
19	Sikkim	0	23	0	0	23
20	Tamil Nadu		4523	77	40	4560
	Puducherry		100	2	3	99
21	Tripura	4	594	41	16	611
22	Uttar Pradesh	0	68947	5267	2371	71843
23	Uttarakhand	0	1441	176	74	1543
24	**West Bengal & Andaman Nicobar	0	20511	1779	723	21587
25	Telengana	32	6836	123	103	8858
	Diu & Daman					
	Dadra & Nagar Haveli					
	Total	414	257327	17470	6026	268744

*Data from Delhi HC has been received only up to Dec, 2019

** Data from Kolkata has been received only up to March, 2020

3.2.2 Financial progress of the scheme

The Scheme had been instituted for a period of 1 year - spread over 2 financial years (2019-20 and 2020-21). Project cost for the Scheme is Rs 767.25 Cr. at Central Sponsored Scheme (CSS) pattern with Central share of Rs. 474 Cr. under Nirbhaya Fund. As of the latest data received from Department of Justice, Ministry of Law and Justice, the total allocation for the Financial year 2019-20 under the Nirbhaya fund was Rs. 140 Crores and the budgetary Estimates Allocation under Nirbhaya fund for the Financial year 2019-20 under the Scheme was Rs. 150 Crores under the Central Share to be released to States/UTs.

The funds are provided for FTSC premises rent, remuneration to one presiding officer and seven support staff and flexi grants. Flexi Grant can be utilized for meeting daily operational expenses and making the courts child and women friendly. The State and FTSCs wise Grant-in-Aid released under the scheme with central and State share and funds utilized is given in **table 3.4 and 3.5**.

Table 3.4: Grants-in-Aid Released under the Scheme as on 31.08.2020

Sl No.	States/UTs	Total FTSCs (Nos.)	Exclusive Court for cases of POCSO Act (Nos.)	FTSCs for cases of rape/and or POCSO Act (Nos.)	Total cost *(Rs. Crores)	State share (Rs Crores)	Central share (Rs Crores)	Funds released so far (Rs Crores)	Funds released as on 26.03.2020 (Rs Crores)	Date of issue /No.of FTSCs covered, where sanctioned for lesser number	FTSCs Set up (Nos)	Exclusive POSO Courts Set up (Nos.)
1	Andhra Pradesh(F)	18	8	10	13.5	5.4	8.1	0.3	1.5	07.01.2020 (8 FTSCs)	8 (-10)	8
2	Bihar	54	30	24	40.5	16.2	24.3	2.025	--	03.01.2020	54	30
3	Chhattisgarh(F)	15	11	4	11.25	4.5	6.75	1.6875	1.6875	28.11.2019	15	11
4	West Bengal	123	20	103	92.25	36.9	55.35	N.A	N.A	N.A		
5	A& N Islands	1	1	0	0.75	0	0.75					
6	Delhi (F)	16	11	5	12	4.8	7.2	0.9	1.8	3.12.2019 (8 FTSCs) 16.01.2020 8 more FTSCs)	8 8	8 3
7	Gujarat (F)	35	24	11	26.25	10.5	15.75	3.9375	3.9375	28.11.2019	35	24
8	Assam (F)	27	15	12	20.25	2.025	18.225	0.5625 1.125	1.16875	For 10 FTSC 23.12.2019 For 2 more months 16.01.2020	10 (-17)	10 (-5)
9	Arunachal Pradesh	3	0	3	2.25	0.225	2.025					
10	Mizoram (F)	3	1	2	2.25	0.225	2.025	0.50625	0.50625	14.01.2020	3	1
11	Nagaland (F)	1	0	1	0.75	0.075	0.675	0.3375		18.10.2019	1	0
12	Maharashtra(F)	138	30	108	103.5	41.4	62.1	31.05		07.11.2019	138	30
13	Goa (F)	2	0	2	1.5	0.6	0.9	0.075	0.15	12.02.2020 For 1 FTSC	1 (-1)	0
14	Himachal Pradesh(F)	6	3	3	4.5	0.45	4.05	0.16875	0.84375	31.12.2019 For 3 FTSCs	3 (-3)	3

15	J&K	4	0	4	3	0.3	2.7	0.5625		06..03.2020 For 2 FTSCs	2 (-2)	0
16	Jharkhand (F)	22	8	14	16.5	6.6	9.9	4.95		18.10.2019	22	8
17	Karnataka	31	17	14	23.25	9.3	13.95	6.975		20.11.2019	31	17
18	Kerala	56	14	42	42	16.8	25.2	6.3	2.1 For 28 FTSC	14.11.2019 for 28 FTSCs	28+28	14
19	Madhya Pradesh (F)	67	26	41	50.25	20.1	30.15	15.075		11.10.2019	67	26
20	Manipur	2	0	2	1.5	0.15	1.35	0.675		11.11.2019	2	0
21	Meghalaya (F)	5	5	0	3.75	0.375	3.375	0.28125	1.40625	10.01.2020	5	5
22	Odisha	45	22	23	33.75	13.5	20.25	5.4		30.10.2019 (24 FTSCs)	24 (-21)	22
23	Punjab (F)	12	2	10	9	3.6	5.4	1.35	1.35	6.12.2019	12	2
24	Haryana (F)	16	12	4	12	4.8	7.2	1.8	1.8	3.12.2019	16	12
25	Chandigar h	1	0	1	0.75	0	0.75	0.1875		04.12.2019	1	0
26	Rajasthan (F)	45	26	19	33.75	13.5	20.25	5.85		07.11.2019 (26 FTSCs)	26 (-19)	26
27	Tamil Nadu (F)	14	14	0	10.5	4.2	6.3	0.525	2.625	23.12.2019	14	14
28	Tripura (F)	3	1	2	2.25	0.225	2.025	1.0125		18.10.2019	3	1
29	Telangana (F)	36	10	26	27	10.8	16.2	1.35	6.75	23. 12.2019	36	10
30	Uttar Pradesh(F)	218	74	144	163.5	65.4	98.1	2.775	11.03125 For 144 FTSC	01.01.2020 For 74 FTSCs	74 +144	74
31	Uttarakhan d (F)	4	4	0	3	0.3	2.7	1.35	1.35	24.10.2019	4	4
		1023	389	634	767.25	293.25	474	99.99375	40.00625	0.00625	823	363
								Rs. 140 crores			- 73	- 5

Note: Each FTSC has been allocated Rs.0.75 Crores.

Source: Department of Justice, Ministry of Law & Justice

Table 3.5: Fund Released during FY 2019-20 and 2020-21 for setting up Fast Track Special Courts (FTSCs) (As on 30/8/2020)

SI No.	States/UTs	Total Funds released in 2019-20 (Rs. Crores)	Total Funds released in 2020-21 (Rs. Crores)
1	Andhra Pradesh(F)	1.8	
2	Bihar	2.025	
3	Chhattisgarh (F)	3.375	1.6875
4	West Bengal	N/A	
5	A& N Islands	-	
6	Delhi (F)	3.6	
7	Gujarat (F)	7.875	
8	Assam (F)	2.85625	
9	Arunachal Pradesh	-	
10	Mizoram (F)	1.0125	
11	Nagaland (F)	0.3375	

12	Maharashtra(F)	31.05	
13	Goa (F)	0.225	
14	Himachal Pradesh(F)	1.0125	1.51875
15	J&K	0.5625	
16	Jharkhand (F)	4.95	2.475
17	Karnataka	6.975	
18	Kerala	8.4	
19	Madhya Pradesh (F)	15.075	7.5375
20	Manipur	0.675	
21	Meghalaya(F)	1.6875	
22	Odisha	5.4	
23	Punjab (F)	2.7	
24	Haryana (F)	3.6	
25	Chandigarh	0.1875	1.8
26	Rajasthan (F)	5.85	
27	Tamil Nadu (F)	3.15	
28	Tripura (F)	1.0125	0.50625
29	Telangana (F)	8.1	
30	Uttar Pradesh(F)	13.80625	42.15
31	Uttarakhand(F)	2.7	
	Total	140	57.675*

Source: Department of Justice, Ministry of Law & Justice

* Fund Released vide Sanction Order dated 6/8/2020

As reported by the Department of Justice the total Allocation under Nirbhaya fund in 2019-20 was Rs.140 Crore. Total BE Allocation under Nirbhaya fund in FY 2020-21 is Rs. 150 Crore. However, only Rs.57.675 Crores only released till 30-8-2020.

Further, scheme guidelines for effective implementation has been forwarded by Department of Justice to all States and High Courts vide DOJ letter dated 05/09/2019.

3.3 Details of Monitoring Committee at Central Level

Scheme guidelines for effective implementation also included Monitoring Committee which has been formed for monitoring of the Establishing & Operationalising FTSCs including exclusive POCSO Courts at Central level. Director (J-II) will be the overall in charge of implementation of this Scheme in the country under the overall supervision of Joint Secretary (Justice-II) and the Secretary Department of Justice, Ministry of Law and Justice. The Director (J-II) shall be assisted by a team of personnel. This team shall be responsible to roll-out the scheme, organize workshops, timely release of funds to the States/UTs, receive physical & financial progress reports and conduct periodic monitoring, capacity building of stakeholders.

At the State/UT level, the Registrar General of High Courts and Law Secretaries shall be responsible for the implementation of the Scheme and achievement of targets. A nodal officer from the High Court as well as the Law Department will be appointed who will assist the High Courts and States/UTs respectively in different tasks under the Scheme such as identification of premises for FTSCs, preparation of contracts for staff,

compilation and submission of reports, coordinate and the Department of Justice (DoJ) team.

3.4 Major Problems/Challenges faced in operationalising FTSCs including exclusive POCSO Courts by Department

The major Problems/Challenges faced in operationalising FTSCs including exclusive POCSO Courts by Department of Justice are as follows:

- In spite of release of funds by Department of Justice for the earmarked and as consented by States, the same have not been operationalised by number of States.
- Further, as gathered by Department of Justice, status of utilization of fund specifically release of state share of funds has not been made for FTSC's by number of States.
- Online case statistics as per format provided is not being furnished by number of High Courts and hence data related to disposal of case is not reflected properly.

CHAPTER IV
FIELD SURVEY FINDINGS

CHAPTER IV FIELD SURVEY FINDINGS

4.1. INTRODUCTION

The Department of Justice, Ministry of Law and Justice, Government of India, has been implementing the **Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection Of Children against Sexual Offences (POCSO) Act**. The scheme aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country.

This chapter provides the field survey findings of National Productivity Council (NPC) Study based on interactions and discussions with key stakeholders such as State Governments (Law Secretaries), High Courts (Registrar Generals/Nodal Officers), Presiding Officers/Judges of FTSCs/FTSCs dealing with POCSO cases exclusively, Lawyers and Litigants/Witnesses. Field Surveys have been undertaken through structured questionnaires at the selected States/High Courts.

4.2. FIELD SURVEY FINDINGS FROM SELECTED STATES

A total of 23 States and 21 High Courts have been covered during the field study for the **Third Party Evaluation of Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act** and the assessment of the District and Subordinate Courts, as well as other Institutions where **Fast Track Special Courts (FTSCs) for Rape and POCSO Act Cases** are implemented. The data related to the Physical and Financial achievements particularly budget outlays and targets and coverage of infrastructure has been collected from the States/ High Courts. Field surveys of key stake holders such as State Governments (Law Secretaries), High Courts (Registrar Generals/Nodal Officers), Presiding Officers/Judges of FTSCs/FTSCs dealing with POCSO cases exclusively, Lawyers and Litigants/Witnesses have been undertaken through structured questionnaires for the implementation of the scheme.

4.2.1 State wise details of the courts to be setup as per Scheme Guidelines, Courts Operationalised and Functional in the state

The total courts to be setup according to the guidelines in 23 selected states were 872 and the total courts operational and functional in the selected states were 480 and 465 respectively. The states such as Uttar Pradesh, Madhya Pradesh, Rajasthan, Haryana, Chattisgarh, Gujarat and Uttarakhand had completed their targets of setting up of FTSCs and E POCSO courts which were given to them as per the scheme Guidelines. The States/UTs such as Karnataka, Kerala, Andhra Pradesh, Meghalaya Chandigarh, Telangana, Jharkhand, Assam and Bihar did not complete their target of setting up of the FTSCs and E POCSO Courts as per the scheme guidelines and are far behind their targets. The State wise details of the courts to be setup as per the Scheme Guidelines, Courts Operationalised and Courts Functional as per NPC Field Survey are given in **Table 4.1**.

Table 4.1: State wise details of the courts to be setup as per Scheme Guidelines, Courts Operationalised by the state and Courts Functional in the state

SI No.	States/UTs	Courts to be setup as per Guidelines			Courts Operationalised			Courts Functional		
		E POCSO	FTSCs	Total	E POCSO	FTSCs	Total	E POCSO	FTSCs	Total
1	Andhra Pradesh	8	10	18	08	0	08	08	0	08
2	Bihar	30	24	54	0	0	0	0	0	0
3	Chhattisgarh	11	4	15	13	04	17	13	04	17
4	Assam	15	12	27	7	0	07	7	0	07
5	Maharashtra	30	108	138	19	0	19	04	0	04
6	Himachal Pradesh	3	3	6	03	0	03	03	0	03
7	J&K	0	4	4	0					
8	Jharkhand	8	14	22	08	14	22	08	14	22
9	Karnataka	17	14	31	08	0	08	08	0	08
10	Kerala	14	42	56	0	17	17	0	17	17
11	Madhya Pradesh	26	41	67	25	42	67	25	42	67
12	Meghalaya	5	0	5	0	0	0	0	0	0
13	Odisha	22	23	45	15	0	15	15	0	15
14	Punjab	2	10	12	03	0	03	03	0	03
15	Haryana	12	4	16	12	04	16	12	04	16
16	Chandigarh	0	1	1	0	0	0	0	0	0
17	Rajasthan	26	19	45	30	26	56	30	26	56
18	Tamil Nadu	14	0	14	16	0	16	16	0	16
19	Tripura	1	2	3	01	02	03	01	02	03
20	Telangana	10	26	36	09	0	09	09	0	09
21	Uttar Pradesh	74	144	218	74	144	218	74	144	218
22	Uttarakhand	4	0	4	0	04	04	0	04	04
23	Gujarat	24	11	35	11	24	35	11	24	35
	Total	356	516	872	266	306	480	251	306	465

Source: NPC Field Survey

4.2.2 Status of State wise and Year wise Cases Disposed

The details about State and Year wise Percentage of Cases Disposed calculated from the data provided by High Courts is given in the **table 4.2**. The States having highest % of cases disposed are Tripura (35.28% in E POCSO), Punjab (32.56% in E POCSO), Uttarakhand (32.42% in FTSCs) and Andhra Pradesh (21.01 in FTSCs). Similarly, the States having lowest rate of % of cases disposed are Haryana (1.90% in E POCSO and 2.47% in FTSCs) and Karnataka (9.08% in E POCSO). The State and Year wise Percent Cases Disposed based on the Calculations undertaken on the Data Provided by High Court of 9 states (viz. Haryana, Tripura, Tamil Nadu, Uttar Pradesh, Gujarat, Andhra Pradesh, Karnataka, Punjab and Uttarakhand) which had data availability for the respective parameters of Case

disposal for Percent cases disposed calculated from the data provided by high courts for Fast Track Special Courts (FTSCs) is 20.28% and for Fast Track Special Courts Exclusively handling POCSO Act Cases is 12.14% .

Table 4.2: State and Year wise Percent Cases Disposed Calculated from the Data Provided by High Courts

Sl. No.	States	Percent of Cases Disposed					
		Fast Track Special Courts (FTSCs) (%)			Fast Track Special Courts Exclusively handling POCSO Act Cases (%)		
		2019-20	2020-21 (Till 31.07.2020)	Total	2019-20	2020-21 (Till 31.07.2020)	Total
1.	Haryana	2.24	2.61	2.47	3.32	0.50	1.90
2.	Jharkhand	0.00	0.00	0.00	NA	NA	NA
3.	Madhya Pradesh	NA	NA	NA	NA	NA	NA
4.	Telangana	0.00	0.00	0.00	NA	NA	NA
5.	Assam	0.00	0.00	0.00	NA	NA	NA
6.	Tripura	1.90	6.01	7.93	32.45	2.83	35.28
7.	Himachal Pradesh	0.00	0.00	0.00	NA	NA	NA
8.	Tamil Nadu	-	-	-	12.38	28.38	26.49
9.	Uttar Pradesh	27.06	13.36	14.36	10.28	12.06	13.06
10.	Gujarat	32.87	5.55	18.54	22.44	10.70	19.32
11.	Andhra Pradesh	33.60	7.29	21.01	NA	3.31	10.47
12.	Chhattisgarh	NA	NA	NA	NA	NA	NA
13.	Karnataka	0.00	0.00	0.00	2.00	15.40	9.08
14.	Kerala	NA	NA	NA	0.00	0.00	0.00
15.	Odisha	0.00	0.00	0.00	NA	NA	NA
16.	Punjab	0.00	0.00	0.00	10.68	54.26	32.56
17.	Rajasthan	NA	NA	NA	NA	NA	NA
18.	Uttarakhand	30.93	36.36	32.42	-	-	-
19.	Meghalaya	-	-	-	NA	NA	NA
20.	Maharashtra	0.00	0.00	0.00	NA	NA	NA
21.	Chandigarh	-	-	-	0.00	0.00	0.00
22.	Bihar	0.00	0.00	0.00	0.00	0.00	0.00
23.	J&K	NA	NA	NA	-	-	-
	Total (9)	27.34	12.64	20.28	12.23	12.06	12.14

Source : NPC Field Survey

*Based on report of 20 cases on average per month

The details about State and Year wise Percent cases disposed calculated as per the Guidelines of the Scheme is given in the table below. The States having highest % of cases disposed are Punjab (99.60 % in E POCSO) and Madhya Pradesh (80.21% in FTSCs). Similarly, the States having lowest % of cases disposed are Kerala (0.01% in E POCSO) Maharashtra (0.45% in E POCSO), Odisha (3.57% in E POCSO) and Karnataka (9.08% in E POCSO).

Table 4.3: State and Year wise Percent Cases disposed calculated as per the Guidelines of the Scheme

SI. No.	States	Percent of Cases Disposed					
		Fast Track Special Courts (FTSCs) (%)			Fast Track Special Courts Exclusively handling POCSO Act cases (%)		
		2019-20	2020-21 (Till 31.07.2020)	Total	2019-20	2020-21 (Till 31.07.2020)	Total
1.	Haryana	2.50	5.80	9.97	6.31	1.19	4.03
2.	Jharkhand	0.00	0.00	0.00	46.73	6.12	18.30
3.	Madhya Pradesh	96.46	52.84	80.21	0.00	96.43	35.93
4.	Telangana	0.00	0.00	0.00	44.29	53.26	54.26
5.	Assam	0.00	0.00	0.00	NA	9.57	5.47
6.	Tripura	0.71	7.41	3.57	52.86	5.36	31.75
7.	Himachal Pradesh	0.00	0.00	0.00	NA	74.40	33.07
8.	Tamil Nadu	-	-	-	6.63	32.43	26.70
9.	Uttar Pradesh	34.44	45.78	37.31	19.38	76.38	33.82
10.	Gujarat	43.25	10.06	28.50	37.98	8.18	24.74
11.	Andhra Pradesh	84.71	21.07	56.43	32.86	18.97	26.69
12.	Chhattisgarh	42.14	3.57	25.00	37.92	0.32	21.21
13.	Karnataka	NA	NA	NA	0.67	7.25	3.59
14.	Kerala	NA	0.04	0.01	0.00	0.00	0.00
15.	Odisha	0.00	0.00	0.00	NA	8.04	3.57
16.	Punjab	0.00	0.00	0.00	29.29	187.50	99.60
17.	Rajasthan	85.30	10.81	66.42	71.19	11.95	56.18
18.	Uttarakhand	32.14	17.86	25.79	-	-	-
19.	Meghalaya	-	-	-	NA	NA	NA
20.	Maharashtra	0.00	0.00	0.00	NA	1.01	0.45
21.	Chandigarh	-	-	-	0.00	0.00	0.00
22.	Bihar	0.00	0.00	0.00	0.00	0.00	0.00
23.	J&K	0.8	NA	0.8	-	-	-
	Total (18)	35.42	20.93	30.19	22.33	38.65	28.44

Source : NPC Field Survey

4.2.3 State and Year wise Percent of Conviction to Disposal Rate

In order to understand the conviction to disposal rate a separate assessment has been carried out based on the survey checklist addendum. Based on the information received an analysis has been carried out to find out the conviction rate with respect to Regular Courts Cases, Fast Track Special Courts (FTSCs) and Exclusively POCSO Act cases, the conviction rate are for the States having highest percent of Conviction to Disposal Rate in case of Regular Cases are Chandigarh (48.13%), Karnataka (42.72%), and Uttarakhand (26.42%) and states having lowest conviction rate are Haryana (0.91%), Tripura (3.14%) and Maharashtra (4.49%). In case of FTSCs the state having highest percent of Conviction to Disposal Rate are Rajasthan (27.75%) and Chhattisgarh (22.22%). Similarly, The States having highest percent of Conviction to Disposal Rate in case of E POCSO cases are Meghalaya

(43.24%), and Tripura (37.84%) and states having lowest conviction rate are J&K (2.22%), Uttar Pradesh (8.90%) and Haryana (11.63%). State wise analysis of Conviction to Disposal rate percentage reveals that Regular Court cases, FTSCs and E POCSO court cases had a percentage of 5.54, 7.21 and 17.64 respectively. The State and Year wise details of Percent Conviction to Disposal Rate calculated from the data provided by the High Courts is given in the **table 4.4:**

Table 4.4: State and Year wise Percent Conviction to Disposal Rate Calculated from the Data provided by the High Courts

SI. No.	States	Percent Conviction to Disposal rate								
		Regular Courts Cases (%)			Fast Track Special Courts (FTSCs) (%)			Exclusively POCSO Act cases (%)		
		2019-20	2020-21 (Till 31.07.2020)	Total	2019-20	2020-21 (Till 31.07.2020)	Total	2019-20	2020-21 (Till 31.07.2020)	Total
1.	Haryana	1.00	0.19	0.91	2.44	0.25	0.45	25.38	0.61	11.63
2.	Jharkhand	10.03	7.46	9.88	19.93	43.04	20.99	26.39	27.43	26.57
3.	Madhya Pradesh	25.42	13.61	24.86	15.42	20.00	15.46	21.78	9.52	19.47
4.	Assam	8.70	6.28	8.51	0.00	0.00	0.00	14.18	22.73	14.62
5.	Tripura	3.09	3.52	3.14	2.34	NA	2.02	38.24	33.33	37.84
6.	Uttar Pradesh	5.53	7.30	5.71	1.80	1.39	1.75	11.59	3.57	8.90
7.	Himachal Pradesh	3.78	1.66	3.55	-	-	-	34.01	75.00	34.83
8.	Tamil Nadu	20.14	19.05	20.28	-	-	-	14.23	2.04	12.15
9.	Gujarat	11.86	7.02	11.73	13.02	4.17	12.04	16.46	17.65	16.50
10.	Punjab	7.39	0.90	6.46	0.00	0.00	0.00	29.93	3.89	17.88
11.	Chandigarh	48.08	50.00	48.13	0.00	0.00	0.00	0.00	0.00	0.00
12.	Chhattisgarh	14.14	0.98	12.76	23.73	0.00	22.22	35.27	50.00	35.37
13.	Karnataka	48.02	8.54	42.72	12.50	10.14	10.39	13.91	9.09	13.65
14.	Kerala	5.60	1.77	4.47	0.00	0.00	0.00	6.58	4.77	6.19
15.	Odisha	12.69	5.06	11.70	0.00	0.00	0.00	16.62	12.66	15.61
16.	Rajasthan	11.60	8.73	11.42	27.34	37.39	27.75	32.22	25.29	31.85
17.	Uttarakhand	26.75	22.22	26.42	13.76	50.00	15.04	-	-	-
18.	Meghalaya	14.40	-	13.74	-	-	-	44.00	41.67	43.24
19.	Maharashtra	4.89	1.92	4.49	0.00	20.00	20.00	19.55	4.37	17.07
20.	Jammu & Kashmir	3.45	-	2.44	-	-	-	3.45	-	2.44
	Total	5.45	6.35	5.54	7.72	3.95	7.21	20.54	7.78	17.64

Source: NPC Field Survey

4.3. STATE AND HIGH COURT WISE FIELD SURVEY FINDINGS

4.3.1. STATE: HARYANA

HIGH COURT: PUNJAB & HARYANA HIGH COURT

4.3.1.1 Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Haryana was to setup 04 Special Fast Track Courts and 12 exclusive POCSO courts in the State. A total of 16 courts in the state were proposed to be setup, considering a total of 2529 Cases pending under Rape and POCSO Act as on 31.03.2018 and 2256 Cases pending trial under POCSO Act as on 30.06.201.

As informed by the State Government/ High Court, in compliance with the orders of the Department of justice, Government of India, all the 16 FTSCs courts are setup by the State Government in the given period of time in which twelve are Exclusive POCSO courts and four were FTSCs and all are functional at the time of field visit.

List of FTSCs including exclusive POCSO Courts set up/functional in the state are as given below:

S.No.	District	Name of the Presiding Officer and Designation
1.	Ambala	Addl District and Sessions Judge
2.	Bhiwani	Addl District and Sessions Judge
3.	Faridabad	Addl District and Sessions Judge
4.	Gurugram	Addl District and Sessions Judge
5.	Jind	Addl District and Sessions Judge
6.	Karnal	Addl District and Sessions Judge
7.	Mewat at Nuh	Addl District and Sessions Judge
8.	Palwal	Addl District and Sessions Judge
9.	Panipat	Addl District and Sessions Judge
10.	Rohtak	Addl District and Sessions Judge
11.	Sonepat	Addl District and Sessions Judge
12.	Yamunanagar	Addl District and Sessions Judge
13.	Fatehabad	Addl District and Sessions Judge
14.	Hisar	Addl District and Sessions Judge
15.	Kurukshetra	Addl District and Sessions Judge
16.	Sirsa	Addl District and Sessions Judge

NPC study team has covered a total of 6 FTSCs courts viz. Hisar, Jind, Karnal, Kurukshetra, Panipat and Rohtak District Court. However, recommendations were received from 14 FTSCs courts which have also been incorporated in the report. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
Punjab & Haryana High Court	Haryana	06	4	06	06	06

4.3.1.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Haryana the target for setting up 04 Special Fast Track Courts and 12 exclusive POCSO courts. A total of 16 courts in the state were proposed to be setup was given for Haryana State. As per the information provided by the High Court during the visit of NPC team all the 16 courts are setup by the High Court and are functional.

Details of FTSCs and E POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO courts	Number of FTSCs	Number of E POCSO courts	Number of FTSCs
12	04	12	04	12	04

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
12	04	12	04	12	04

Source: High Court

4.3.1.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is completed by the High Court in given stipulated time. The year wise details of the cases as reported by the Punjab and Haryana High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Punjab and Haryana High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	312	499	811
	E POCSO (Nos.)	1595	1616	3211
	Total (Nos)	1907	2115	4022

Number of cases Transferred	FTSC (Nos.)	NA	NA	NA
	E POCSO (Nos.)	NA	NA	NA
	Total (Nos)	NA	NA	NA
Number of cases Taken up	FTSC (Nos.)	344	578	922
	E POCSO (Nos.)	1669	1912	3581
	Total (Nos)	2013	2490	4503
Number of cases Disposed	FTSC (Nos.)	7	13	20
	E POCSO (Nos.)	53	8	61
	Total (Nos)	60	21	81
Percent of Cases Disposed	FTSC (%)	2.24	2.61	2.47
	E POCSO (%)	3.32	0.5	1.9
	Total (%)	3.15	0.99	2.01

*Source: High Court

As shown in the table above, during the year 2020-21 (till 31st July 2020) the total number of targeted cases, number of cases taken up and number of cases disposed were 2115, 2490 and 21 respectively. The number of cases disposed off in the same year is only 21 and percent disposal rate is only 0.99% is on very lower side.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Punjab and Haryana High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	280	224	504
		E POCSO (Nos.)	840	672	1512
		Total (Nos)	1120	896	2016
	Number of cases Disposed	FTSC (Nos.)	7	13	20
		E POCSO (Nos.)	53	8	61
		Total (Nos)	60	21	81
	Percent of cases Disposed (%)	FTSC (Nos.)	2.5	5.8	3.97
		E POCSO (Nos.)	6.31	1.19	4.03
		Total (Nos)	5.36	2.34	4.02
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	312	499	811
		E POCSO (Nos.)	1595	1616	3211
		Total (Nos)	1907	2115	4022
	Number of cases Disposed	FTSC (Nos.)	7	13	20
		E POCSO (Nos.)	53	8	61
		Total (Nos)	60	21	81

	Percent of cases Disposed (%)	FTSC (Nos.)	2.24	2.61	2.47
		E POCSO (Nos.)	3.32	0.5	1.9
		Total (Nos)	3.15	0.99	2.01

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 1120 and disposed cases were 60. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 896 and the number of cases disposed were 21. The percent cases disposed for the year 2020-21 is 0.99% which is on very lower side.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Punjab and Haryana High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	195368	28525	223893
	FTSCs Cases (No)	587	623	1210
	Exclusively POCSO Act cases (Nos.)	780	926	1706
Total Number of Cases Disposed	Regular Courts Cases (No)	159352	19044	178396
	FTSCs Cases (No)	41	405	446
	Exclusively POCSO Act cases (Nos.)	394	492	886
Total Number of Cases where conviction took place	Regular Courts Cases (No)	1588	36	1624
	FTSCs Cases (No)	1	1	2
	Exclusively POCSO Act cases (Nos.)	100	3	103
Percent Conviction to Disposal rate	Regular Courts Cases (%)	1.00	0.19	0.91
	FTSCs Cases (%)	2.44	0.25	0.45
	Exclusively POCSO Act cases (%)	25.38	0.61	11.63

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 1.00%, 2.44% and 25.38% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 0.19%, 0.25% and 0.61% respectively.

4.3.1.4 Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have not received any Grant-in-Aid/ Financial Assistance from State Government for setting up of FTSCs under Centrally Sponsored Scheme.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme to Haryana

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	180.00*	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	No funds have been released from State Govt.						
Funds Received by High Court	No funds have been received by the High Court from State Govt. till date						

*Rs.180.00 lakhs released by Department of Justice to the State Government for 16 FTSCs and 12 EPOCSO Courts

4.3.1.5 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The officials of the High Court informed that they have not received funds from State Governments under Centrally Sponsored Scheme.

4.3.1.6 Monitoring and Delivery Mechanism

High court informed that no quarterly monitoring undertaken on operation and cases handled by FTSCs including exclusive POCSO courts. High Court has not formed Monitoring Committee for monitoring of Establishing & Operationalising FTSCs including exclusive POCSO courts. Monthly report regarding institution, disposal and pendency is being compiled so received from concerned FTSCs and the same is being uploaded on monthly basis on the web portal of website of Ministry of Law & Justice.

4.3.1.7. PRESIDING OFFICER/ JUDGES OF PUNJAB AND HARYANA HIGH COURT (HARYANA)

4.3.1.7.1. JIND (E POCSO)

- Details of the Court:** Fast Track Special Court, POCSO Act
- Details of Start of the Court:** 27.02.2020
- Expenditure incurred on the Operational Cost per FTSC per year**

Details not provided.

- Details of number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	113	106	-
Number of Cases Transferred (Nos.)	-	23	-

Number of Cases Taken up (Nos.)	118	135	-
Number of Cases Disposed (Nos.)	10	0	The progress of cases has been slowed down due to pandemic

e. Budget Released to Court by High Court

No separate budget released by Hon'able High Court.

4.3.1.7.2. HISAR (FTSC)

a. Details of the Court: Fast Track Special Court (Rape & POCSO), Judicial Complex, Hisar

b. Details of Start of the Court: 28.02.2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	'2014-Admn of Justice-(105)-Civil and Sessions Courts(Voted)-105(i) District and Sessions Judge	83,38.908/-	No Separate budget allotted to FTSCs

d. Details of number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	During this period, categorized cases were dealt by the Special Court for crime against women	So far, no target is given Due to pandemic	
Number of Cases Transferred (Nos.)	111	-	-
Number of Cases Taken up (Nos.)	114	149	-
Number of Cases Disposed (Nos.)	121	-	No case is decided after 22 nd March, due to limited work on account of pandemic

e. **Budget Released to Court by High Court**

No separate budget released by Hon'able High Court

4.3.1.7.3. KARNAL (E POCSO)

a. **Details of the Court:** FTSC, Exclusive POCSO Court

b. **Details of Start of the Court:** 28.02.2020

c. **Expenditure incurred on the Operational Cost per FTSC per year**
Details Not Provided

d. **Details of number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	164	158	
Number of Cases Transferred (Nos.)	164	-	
Number of Cases Taken up (Nos.)	168	185	
Number of Cases Disposed (Nos.)	6	0	

e. **Budget Released to Court by High Court**

No separate budget released by Hon'able High Court

4.3.1.7.4. KURUKSHETRA (E POCSO)

a. **Details of the Court:** Fast Track Special Court, POCSO Act

b. **Details of Start of the Court:** 27.02.2020

c. **Expenditure incurred on the Operational Cost per FTSC per year**
Details Not Provided

d. **Details of number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	113	106	-
Number of Cases Transferred (Nos.)	-	23	-

Number of Cases Taken up (Nos.)	118	135	-
Number of Cases Disposed (Nos.)	10	0	The progress of cases has been slowed down due to pandemic

e. Budget Released to Court by High Court

No separate budget released by Hon'able High Court

4.3.1.7.5. PANIPAT (E POCSO)

- a. **Details of the Court:** FTSC (Exclusive POCSO Court), Panipat
 b. **Details of Start of the Court:**28.02.2020

c. Inputs about the Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	Major Head 2014 Admn of Justice Sub Major Head 51-NA Minor Head-105-Civil and Sessions Court(voted)	62,62,800/-	No separate budget allotted for FTSCs

d. Please provide details of number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	173	185
Number of Cases Transferred (Nos.)	-	-
Number of Cases Taken up (Nos.)	173+12=185	185+27=212
Number of Cases Disposed (Nos.)	-	01

e. Budget Released to Court by High Court

No separate budget released by Hon'able High Court

4.3.1.7.6. ROHTAK (E POCSO)

- a. **Details of the Court:** Fast Track Special Court(Exclusive POCSO Court)
 b. **Details of Start of the Court:**27.02.2020
 c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	2014-Admn of Justice 105 Civil & Sessions Court(voted) 105(1) District & Sessions Judge	Rs88,33,112/-	No separate budget has been allotted for Fast Track Special Court

d. Details of number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	86	87	-
Number of Cases Transferred (Nos.)	-	-	-
Number of Cases Taken up (Nos.)	86+2=88	87+7+2=96	-
Number of Cases Disposed (Nos.)	1	-	As regular work has been done for 23 days & henceforth regular court work was closed due to pandemic

e. Budget Released to Court by High Court.

No separate budget released by Hon'able High Court

4.3.1.7.7. PALWAL COURT

a. New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts .

According to the Presiding Officer the scheme has positive impact and the new registration of cases, pendency of cases in sessions and district court declined after the implementation of the scheme.

b. Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts.

As informed by the Presiding Officer the Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts is delay in filling challan and Problem of servicing the witnesses.

c. Additional support measures urgently required from Central Government.

According to the Presiding Officer additional support measures required by them are proper infrastructure and special summoning police staff and Appointment of special police unit for Investigation.

d. **Modifications and suggestions proposed in the scheme**

Modifications and Suggestions proposed by the presiding officer are:

- i. Special establishment of POCSO staff
- ii. Segregation of exclusive summoning staff
- iii. Segregation of exclusive police staff

4.3.1.7.8. AMBALA COURT

a. **New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts .**

According to the Presiding Officer the scheme has positive impact and so far as pendency of cases is concerned, as soon as regular court working resumes after COVID-19 pandemic situation, there will be a decrease. Registration of new cases is there and it does not depend on FTSCs.

b. **Suggestions proposed in the scheme.**

According to Presiding officer responsibility shall be given to the investigating officer exclusively to produce the witness on the date fixed.0

4.3.1.7.9. FATEHABAD COURT

a. **New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts.**

According to the Presiding Officer the scheme has positive impact and on account of new registration of cases, the pendency of cases in sessions and district courts has not been effected, as, such cases used to be dealt with by all the sessions courts earlier too.

b. **Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts.**

As informed by the Presiding Officer the Major problems/Challenges faced for effective operationalisation of POCSO courts and FTSCs Courts is lack of lady officers and other staff like public prosecutors, which is required to be accomplished, as victim would be in a better position to explain the circumstances and happenings to the lady staff instead of male staff.

c. **Additional support measures urgently required from Central Government.**

As informed by the Presiding Officer special attention is required for providing monetary help to the victim of crime for advancing/prosecuting her case.

d. **Modifications proposed in the scheme.**

As informed by presiding officers n modifications are required in the scheme.

e. **Suggestions for making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases.**

According to Presiding Officer, for ensuring the targeted justice and expeditious disposal of cases, the attendance of witnesses on the date of hearing is required to be ensured by the investigating agency so that cases are not adjourned unnecessarily.

4.3.1.7.10. MEWAT COURT

- a. **New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts.**

According to the Presiding Officer there was no decline in new registration of cases, pendency of cases in Sessions and District Courts after the establishment and operationalisation of FTSCs including exclusive POCSO courts

- b. **Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts.**

As informed by the Presiding Officer the Major problems/Challenges faced by them is of shortage of staff.

- c. **Additional support measures urgently required from Central Government in the setting up and operationalising the FTSCs including exclusive POCSO courts in the state.**

As informed by the Presiding Officer experienced supporting staff is required to speed up the disposal of cases.

- d. **Modifications proposed in the scheme.**

As informed by presiding officers they need experienced and efficient supporting staff is required to speed up the disposal of the cases. In the absence of the experienced stenographer and judgment writer, the efficiency of the court is reduced substantially.

- e. **Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases.**

According to Presiding Officer, experienced and efficient supporting staff may be appointed in the court to help the presiding officer in quick disposal of cases. Due to lack of experience, the supporting staff is unable to arrange the files, prepare the indices, etc. an inefficient stenographer and judgment writer causes delay in typing the orders/judgments, thus wasting the precious time of the court. The recording of the evidence is also delayed due to unnecessary and avoidable mistakes made by the inexperienced and inefficient stenographer. The reader of the court public prosecutor and the other supporting staff should be sensitized about the rules under the POCSO Act for strict compliance.

4.3.1.7.11. SIRSA COURT

- a. **New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts.**

According to the Presiding Officer there was positive effect of the scheme but no conclusive finding can be given in the view of cessation of work due to pandemic COVID-19.

- b. **Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts.**

As informed by the Presiding Officer the Major problems/Challenges faced by them are:

- i. The charge- sheet could not be filed with complete documents, like FSL report which delay conclusive of trial.
 - ii. The victim often do not appear in the court at first hearing.
 - iii. The counsel for accused and victim seeks adjournment on one pretext or another.
- c. **Additional support measures urgently required from Central Government.**
As informed by the Presiding Officer they need special investigating team trained in such type of investigation, FSL report and collection of blood samples etc should be collected during investigation and the victim should be brought in custody.
- d. **Modifications proposed in the scheme.**
As informed by presiding officers the investigation may be carried out without fear and favour if IO found victim in need of Protected he should informed the same to quarter concerned immediately.
- e. **Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases.**
The suggestions given by the Presiding Officer is given below:
 - i. There is confusion with regard to nature of work to be conducted by fast track special court. As a result of which other cases pertaining to crime against women like dowry death cases are also assigned for disposal thus it results in delay of cases.
 - ii. Special serving agency to be assigned to such courts for effective service upon witnesses.
 - iii. FSL reports should be prepared on priority basis.
 - iv. It has been noticed that some accused are confined outside the State and their presence could not be procured due to lack of uniform audio and video facility. So a mechanism should be prepared for securing their presence through electronic media.

4.3.1.7.12.SONIPAT COURT

- a. **New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts .**
According to the Presiding Officer there was positive effect of the scheme and all the cases have been sent to FTC for disposal.
- b. **Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts.**
As informed by the Presiding Officer the no Major problems/Challenges as such rather it has made the disposal of cases more convenient and expeditious. Recording of witnesses in such cases can be given more priority.
- c. **Additional support measures urgently required from Central Government.**
As informed by the Presiding Officer a female child social psychiatrist or worker to be present in the court at the time of recording of evidence, separate waiting room for prosecutrix and child witnesses and provision for interim relief as in Acid attack cases needed.

- d. **Modifications proposed in the scheme.**
- i. As informed by presiding officers strict action against the investigating officer who dele the section without advice of special prosecutors.
 - ii. Challan to be forwarded only by special prosecutor of the concerned court. As of now, challan is forwarded by PP other than special prosecutor.
 - iii. Counseling only through CWC (Child Welfare Committee) and not legal Aid counselors practicing in the same district to rule out any manipulation.
- e. **Suggestions for making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases**
Suggestion according to Presiding Officer are given below:
- i. DNA report to be expedited
 - ii. Investigations in these cases be given priority.
 - iii. Special Agency to be formed who would ensure presence of witnesses on the date of hearing headed by female and vehicle.

4.3.1.7.13.YAMUNA NAGAR COURT

- a. **New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts .**

According to the Presiding Officer there was positive effect of the scheme.

- b. **Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases, for its effective implementation in the coming years and speedy disposal of cases in the State.**

According to the Presiding Officer, prosecution/IO should be given responsibility to produce witnesses on the given date, periodically in the court.

4.3.1.7.14.GURUGRAM COURT

- a. **New registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts.**

According to the Presiding Officer impact of the scheme would definitely be on the positive side once the functioning of courts in regular basis is resumed. But at present there is no change due to COVID-19 pandemic outbreak.

- b. **Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts.**

As informed by the Presiding Officer the major challenge is the efficiency of the special PP appointed by the State without even consulting the district Attorney or the Presiding officer for POCSO court.

- c. **Additional support measures urgently required from Central Government.**
As informed by the Presiding Officer till now no such help is required by them.
- d. **Modifications proposed in the scheme.**
As informed by presiding officers until and unless proper functioning of the courts is resumed and the work is carried out effectively, no suggestions for modification can be given.
- e. **Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases.**
As informed by the Presiding Officer the Special Public Prosecutor should be sharp and intelligent to make such establishment of such special courts to achieve the very purpose of the Fast Track Special Court and without an intelligent Special PP the target behind the establishment of such cases cannot be achieved.

4.3.1.8.FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS

Adequacy of Manpower

According to Presiding Officers adequate manpower is provided to them.

Infrastructure available with Court for keeping Records, Photocopy, Computer, etc

As per the information provided by the Presiding Officers adequate infrastructure is available at court for keeping records, photocopy, computer etc.

Inputs about the new registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSC/Exclusive POCSO Court.

As informed by the Presiding Officers registration of new cases is there which does not depend on FTSCs. As of now the court is working restrictively. However, there will be decrease in number of cases as soon as regular court working resumes. Pendency of cases has reduced. Presently, due to pandemic, the function of court is limited. Only urgent work is going on. Hence, pendency of cases is there during pandemic

4.3.1.9.LAWYER/ ADVOCATE OF PUNJAB AND HARYANA HIGH COURT (HARYANA)

Total 6 lawyers/advocates were covered in the field survey done by NPC Team in Jind, Hisar, Karnal, Kurukshetra, Panipat and Rohtak Districts of Haryana.

Major categories of cases being handled by the Court.

As informed by the Lawyers only cases related to rape and POCSO are handled by the courts.
Average days taken from the start of the filing of case to the judgment delivery.

As informed by the Lawyers at the time of discussion the average days taken from the start of the filing of case to the judgment delivery are 60-180 days.

4.3.1.10. LITIGANTS/ WITNESS OF PUNJAB AND HARYANA HIGH COURT (HARYANA)

Total 6 lawyers/advocates were covered in the field survey done by NPC Team in Jind, Hisar, Karnal, Kurukshetra, Panipat and Rohtak Districts of Haryana state.

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state

According to Litigants/witness operation of FTSCs/exclusive POCSO courts has improved access to justice and fast track justice delivery. There is no delay in trial. As informed by the Litigants/witness less time is taken in recording a evidence as compare after implementation of the scheme. Cases are disposed of earlier now as compared to before implementation of the scheme.

4.3.1.11. Overall Assessment of the impact and Operation of the scheme in Punjab and Haryana High Court (Haryana)

Adequate manpower has been provided for the court

As informed by all the stakeholders adequate manpower is provided to them by the State Government.

Availability of Infrastructure with Court for keeping Records, Photocopy, Computer, etc.

According to Presiding Officers and Lawyers adequate office infrastructure is available with them.

4.3.1.12. Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism.

The stakeholder wise details on impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism are given below:

- **High Court- Registrar General:** according to them the impact of operationalisation of FTSCs including exclusive POCSO courts on fast track judicial delivery mechanism is positive. Pendency of cases has increased due to pandemic.
- **Presiding Officers/Judges:** As informed by them the impact is positive. Registration of new cases is there which does not depend upon FTSCs. As of now the court is working restrictively. However there shall be decrease in number of cases as soon as regular court working resumes and pendency has been reduced but presently due to pandemic the function of court is limited. Only urgent work is going on.
- **Lawyers:** According to them Fast track justice delivery mechanism is sufficient to cope the cases under POCSO Act, due to which the cases are being decided expeditiously.
- **Litigants/ Witness:** According to Litigants/witness scheme has resulted into delivery of justice without any delay and pressure

4.3.1.13 Major problems/Challenges faced in operationalizing FTSCs including exclusive POCSO courts

Problem and Challenges faced in operationalizing FTSCs including exclusive POCSO courts by High court and Presiding Officers are given below:

High Court- Registrar General

- Delay in submitting challan by police
- Delay in receiving expert opinion including FSL reports etc
- Service of witnesses
- All stakeholders need to be made more aware regarding special provisions with regard to conduct of these trials

Presiding Officers/Judges

- No major challenge is being faced in operation of FTSCs. The infrastructure available is good, however all stakeholders need to be made more aware regarding the special provisions with regard to conduct of these trials
- Service of summons
- Delay in receipt of FSL reports
- Non co-operation on part of most of advocates as they want to prolong trials & avoid speedy trial.

4.3.1.14 Additional support measures urgently required from Central Government.

Stakeholder wise additional support measures urgently required from Central Government in the setting up and operationalizing the FTSCs including exclusive POCSO courts in the state are stated below:

High Court- Registrar General

- Female social child psychiatrist or worker to be present in court at the time of recording of evidence
- Provision for interim relief as in acid attack cases
- Separate room for prosecutrix and child witnesses
- More financial aid may be provided/given by central govt
- Separate and dedicated summoning staff is required
- Special police unit is required for investigating rape cases and cases under POCSO Act

Presiding Officers/Judges

- Dedicated summoning staff is required
- Deployment of police officers connected with investigation of case should be responsible for making available all summoned witnesses
- Although infrastructure is good but there is scope of improvement in which more financial aid may be obtained from central govt.

Lawyers

- The face and identity of victim should not be revealed in court room & specific measures must be taken
- Judges should not be overburdened because issues are sensitive and needs more care & caution
- Provisioning of more technical facilities and scientific evidence informing FSI reports of medical evidence

Litigants/ Witness

- Number of such courts should increased.

4.3.1.15. Modifications proposed in the scheme.

Modifications proposed in the scheme for disposal of pending rape & POCSO Act cases by the all the stakeholders are given below:

High Court- Registrar General

- For speedy and effective disposal of heinous offences, the more graver offences under POCSO Act i.e. under Sections 4 and 6 may be segregated from other offences for the purpose of trial through special courts
- Special training sessions for police officials, court staff and summoning staff are required
- Segregated summoning staff is required
- Strict action should be taken against the investigating officer who delete the section 'without advice of special prosecutor'
- Challan to be forwarded only by Special Prosecutor of the concerned court. As of now, challan is forwarded by PP other than Special Prosecutor.

Presiding Officers/Judges

- Present scheme is sufficient for speedy disposal of case
- For speedy and effective disposal of heinous offences, more graver offences under POCSO Act (under sections 4 & 6) may be segregated from other offences for the purpose of trial through special courts
- For effective disposal of cases, a time limit of disposal of trial can be set, however no target of case disposal should be given in terms of number of cases per month. No exclusive court should be burdened with more than 150 cases & a new court should be set up if cases are more
- Training Programme should be conducted for police officials where finer points of investigation in such cases may be imparted
- Spokesman from FSL may also be joined in such programmes
- Doctors may be directed to conduct examination of victims
- FSL should be established at every Session Division to curb the delay in preparing reports
- Normally advocates avoid quick trial. There should be interaction with them through persons of legal field to make understand the purpose of scheme. They should provide result oriented approach.

Lawyers

- Maximum three cases should be listed in a day and investigation must be completed in 15 days
- There is need for improvement in investigation sector

- Courts should be freed from media trials as they create pressure

Litigants/ Witness

- More such courts should be provided.

4.3.1.16. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE.

Suggestions by the various stakeholders for making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases, for its effective implementation in the coming years and speedy disposal of cases in the State is stated below:

High Court- Registrar General

- DNA reports to be expedited
- Investigations in these cases should be given priority
- Special Agency should be formed which would ensure presence of witnesses on the date of hearing headed by Female and Vehicle
- Limited number of trials with the courts and day to day trial of cases should prove effective in achieving objective with which FTSCs have been established
- Separate and dedicated summoning staff is required
- Special police unit is required for investigating rape cases and cases under POCSO Act
- Special training sessions for police officials, court staff and summoning staff are required
- Segregated summoning staff is required.

Presiding Officers/Judges

- It is suggested that witnesses of the case should be present in the court on the date fixed so that their statement can be recorded on the very day without any delay and the cases may be disposed off in time bound manner. There is delay in disposing as witnesses are not coming in time. Witness protection scheme may be enforced strictly.
- Limited number of trials with the courts and day to day trial of the cases should prove effective in achieving objective with which Fast Track Courts have been established
- For effective disposal of cases, a time limit of disposal of trial can be set, however no target of case disposal should be given in terms of number of cases per month. No exclusive court should be burdened with more than 150 cases & a new court should be set up if cases are more.

Lawyers

- Lawyers and Police Officials must be sensitized in this regard
- DNA reports to be expedited
- Investigation in these cases be given priority
- There should be more faith and confidence in the trial
- Judges are hard working for disposal of cases, but false cases are consuming valuable time. The investigation needs to be improved
- Maximum three cases should be listed in a day and investigation must be completed in 15 days
- Mirror must be fitted in the court room for the purpose of hiding the identity of victim

- DNA/FSL reports are not submitted in the court in time. Challan is not received expeditiously. There is delay in disposing of cases as witnesses are not coming in time. More forensic science laboratories may be setup and investigation must be digital and maximum technology may be introduced.

Litigants/ Witness

- Investigation in these cases may be given priority
- More such courts should be provided
- Court should provide social and economic help to the victim and family
- Witness protection scheme may be enforced strictly. Sometimes witnesses are pressurized not to depose or depose in favour of accused. The Police investigation may therefore be videographed to avoid contradiction in prosecution case.

4.3.2. STATE: JHARKHAND

HIGH COURT: HIGH COURT OF JHARKHAND, RANCHI

4.3.2.1 Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Jharkhand was to setup 14 Special Fast Track Courts and 08 exclusive POCSO courts in the State. A total of 22 courts in the state were proposed to be setup, considering a total of 3533 Cases pending under Rape and POCSO Act as on 31.03.2018 and 1987 Cases pending trial under POCSO Act as on 30.06.2019

As informed by Register General of High Court, as of now, the state government has not released the fund as FTSCs are not being operated under Centrally Sponsored Scheme. However the State Government has created 22 posts of District Judge (Temporary) on 29.01.2020 and 154 posts of subordinate staffs on 3.2.2020 the selection process to these posts is under process.

List of exclusive POCSO Courts set up in the state are as given below:

Sl.No.	Name of the Exclusive POCSO Courts	Judicial district
1	Additional Judicial Commissioner IV-cum-Special Judge POCSO	Ranchi
2	Additional Session Judge-V-cum-Special Judge POCSO	Jamshedpur (East Singhbhum District)
3	Civil Court, Dhanbad	Dhanbad
4	Exclusive Special Judge POCSO -cum-Additional Session Judge-IV	Daltonganj
5	Civil Court, Deoghar	Daeoghar
6	Court of District & Additional Sessions Judge-cum-Exclusive POCSO Court	Garhwa
7	Special Judge, (Exclusive POCSO Court) Civil Court Giridih	Giridih
8	Special Court POCSO Act, Civil Court Godda	Godda

NPC study team has covered a total of 8 FTSCs District Court. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
High Court of Jharkhand	Jharkhand	8	8	8	17	6

4.3.2.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to Registrar General of High Court FTSCs Courts under CSS (total 22) courts are not functional yet and at present selection process of suitable candidates to these posts is going on. However, at present 32 Courts in the State of Jharkhand are hearing the cases under POCSO Act including 08 Courts that have been made exclusive POCSO Court where pendency under this Act is more than 100 from the already working Cadre Strength. The State Govt. has created 22 posts of District Judge (temporary) on 29/01/2020 and selection process to these posts is under process.

According to Registrar General of High Court After receiving a request from the Central Govt in Sept. 2019, State Government has created a total of 22 FTSCs in the State, vide Notification bearing Memo No. B.1/Vidhi-Court Gathan-280/2013-2055/J. Ranchi dated 30th October 2019, temporarily, for a period of one year 2019-20 & 2020-21. Further, 22 posts of the Judicial Officers have also been created for the purpose in January 2020. A selection Committee of the Hon'ble Court was formed and process of the recruitment was started. Certain delay in the matter occurred due to the global COVID Pandemic.

Later, an advertisement was published in the News Papers on 3rd July 2020 inviting applications from all eligible retired Judicial Officers of the Superior Judicial Service Cadre for the 22 posts of the rank of District Judge. After the closing date which was 30/07/2020, now process for scrutiny and appointment of eligible Officers to these posts are being taken up.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and operationalizing of FTSCs and Exclusive POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO courts	Number of FTSCs	Number of E POCSO courts	Number of FTSCs
08	14	08	14	08	0

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
08	14	08	14	08**	0

Source: State Government and High Court

**Recently, 08 exclusive POCSO courts have also been established in 0 judgeships and the power to try the cases related to these 8 specially designated courts are vested upon the 8 Judicial Officers of the rank of District and Additional Sessions Judge.

4.3.2.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is yet to be completed. They have setup eight Exclusive POCSO courts. The year wise details of the cases as reported by the Jharkhand High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Jharkhand

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	NA	NA	NA
	Total (Nos)	NA	NA	NA
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	890	1094	1984
	Total (Nos)	890	1094	1984
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	115	163	278
	Total (Nos)	115	163	278
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	157	48	205
	Total (Nos)	157	48	205
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	NA	NA	NA
	Total (%)	NA	NA	NA

Source: State Government and High Court

As shown in the table above, during the year 2019-20 and 2020-21 (till 31st July 2020) the number of cases disposed were only 157 and 48 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Jharkhand

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the	Target of cases	FTSC (Nos.)	588	784	1372
		E POCSO (Nos.)	336	784	1120
		Total (Nos)	924	1568	2492

State as per Scheme Guidelines	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	157	48	205
		Total (Nos)	157	48	205
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	46.73	6.12	18.3
		Total (Nos)	16.99	3.06	8.23
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	NA	NA	NA
		Total (Nos)	NA	NA	NA
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	157	48	205
		Total (Nos)	157	48	205
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	NA	NA	NA
		Total (Nos)	NA	NA	NA

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 924 and disposed cases were 157. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 1568 and the number of cases disposed was only 48. The percent cases disposed for the year 2020-21 is 6.12%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Jharkhand

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	21777	3199	24976
	FTSCs Cases (No)	1930	313	2243
	Exclusively POCSO Act cases (Nos.)	1679	250	1929
Total Number of Cases Disposed	Regular Courts Cases (No)	12149	778	12927
	FTSCs Cases (No)	1646	79	1725
	Exclusively POCSO Act cases (Nos.)	538	113	651
Total Number of Cases where conviction took place	Regular Courts Cases (No)	1219	58	1277
	FTSCs Cases (No)	328	34	362
	Exclusively POCSO Act cases (Nos.)	142	31	173
Percent Conviction to Disposal rate	Regular Courts Cases (%)	10.03	7.46	9.88
	FTSCs Cases (%)	19.93	43.04	20.99
	Exclusively POCSO Act cases (%)	26.39	27.43	26.57

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 10.03%, 19.93% and 26.39% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 7.46%, 43.04% and 26.57% respectively.

4.3.2.4. Financial Progress against the Target sets

According to State Law Secretary they have received the Central Share of Centrally Sponsored Scheme of an amount of Rs. 495 lakhs and State Share of Rs. 330 Lakhs was received by the State Law Department. As stated by the State Law Secretary till now no FTSCs has been setup in Centrally Sponsored Scheme and no fund has been transferred to High Court and same has not been utilized till now.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme to Jharkhand

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	495	Not available	18-10-2019	14	08	No fund is so far utilized	Nil
State Share Released by State Govt.	330	Not available	11-03-2020	14	08	No fund is so far utilized	Nil
Funds Received by High Court	No fund Received	-	-	-	-	-	-

4.3.2.5 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The State Law Secretary informed that till now no fund had been utilized

4.3.2.6. Constraints faced in establishment and operationalisation of FTSCs including exclusive POCSO courts

As informed by the State Law Secretary, due to the global pandemic, implementation process of this scheme has slowed down. However, the State Government is taking necessary and appropriate steps for effective implementation of the scheme and expedites the judicial process by operating the ePOCSO from existing FTSCs. As per the State Government report, the State Government has also released its state share to the court for expediting the implementation process of this scheme.

4.3.2.7. Monitoring and Delivery Mechanism

High court informed that a POCSO Committee exists in the High Court of Jharkhand to regulate and monitor the progress of the trials under the POCSO Act. Stage-wise reports of the POCSO Cases are obtained from the Judgeships and placed before the S.C.M.S. Secretariat on quarterly basis and the

same are placed before Hon'ble The SCMS Committee during Video Conferencing for proper and effective monitoring.

4.3.2.8. PRESIDING OFFICER/ JUDGES OF HIGH COURT OF JHARKHAND

4.3.2.8.1 RANCHI (E POCSO COURT)

- a. **Details of the Court:** Additional Judicial Commissioner IV-cum-Special Judge POCSO, Ranchi District
- b. **Details of Start of the Court:** Civil Court, Ranchi District from 4th of November 2019
- c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

- d. **Details of number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	On an average 15 contested cases per month (minimum 80 point monthly as per direction of high Court to be achieved)	12/13 contested Cases per month Approximately
Number of Cases Transferred (Nos.)	271 as of November 2019	6
Number of Cases Taken up (Nos.)	271	237
Number of Cases Disposed (Nos.)	215 (FTSCs/POCSO functioning since 4 th Nov 2019)	67 (disposal affected due to National Lock Down)

- e. **Budget Released to Court by High Court**

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.8.2. JAMSHEDPUR (EAST SINGHBHUM DISTRICT) (E POCSO COURT)

- a. **Details of the Court :** Additional Session Judge-V-cum-Special Judge POCSO
- b. **Details of Start of the Court:** Civil Court, Jamshedpur (East Singhbhum District) from 4th Nov 2019
- c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	-
Number of Cases Transferred (Nos.)	114 (in the month of Nov 2019)	NIL
Number of Cases Taken up (Nos.)	139	128
Number of Cases Disposed (Nos.)	17	35

e. Budget Released to Court by High Court

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.8.3DHANBAD (E POCSO COURT)

a. **Details of the Court:**Civil Court, Dhanbad

b. **Details of Start of the Court:**Special POCSO Judge (Civil Judge of Dhanbad Civil Court), Court started from 5-11-2019

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	182	223	From 18 th March 2020, no physical hearing of the court taking place due to COVID-19 lockdown
Number of Cases Transferred (Nos.)	182	NA	

Number of Cases Taken up (Nos.)	182	223	
Number of Cases Disposed (Nos.)	18	44	

e. Budget Released to Court by High Court

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.8.4. DALTONGANJ (E POCSO COURT)

a. Details of the Court:Exclusive Special Judge POCSO -cum-Additional Session Judge-IV

b. Details of Start of the Court:Exclusive Special Judge POCSO -cum-Additional Session Judge-IV, Court started from 5-11-2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20 (From Nov. 2019)	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	The work of the court has hampered due to lockdown and non- functioning of physical courts due to COVID-19
Number of Cases Transferred (Nos.)	201	41	
Number of Cases Taken up (Nos.)	55	242	
Number of Cases Disposed (Nos.)	5	37	

e. Budget Released to Court by High Court

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.8.5. DEOGHAR (E POCSO COURT)

a. Details of the Court:Civil Court, Deoghar (Jharkhand)

b. Details of Start of the Court:Exclusive POCSO Court started from 5-11-2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20 (From Nov. 2019)	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	88	97
Number of Cases Transferred (Nos.)	-	-
Number of Cases Taken up (Nos.)	88	97
Number of Cases Disposed (Nos.)	14	30

e. Budget Released to Court by High Court

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.8.6. GARHWA (E POCSO COURT)

a. Details of the Court:Court of District & Additional Sessions Judge-cum-Exclusive POCSO Court

b. Details of Start of the Court:Exclusive POCSO Court started from 5-11-2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20 (From Nov. 2019)	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	135	152
Number of Cases Transferred (Nos.)	03	-
Number of Cases Taken up (Nos.)	135	152
Number of Cases Disposed (Nos.)	51	21

e. Budget Released to Court by High Court

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.8.7.GIRIDIH (E POCSO COURT)

a. Details of the Court:Special Judge, (Exclusive POCSO Court) Civil Court Giridih

b. Details of Start of the Court:Exclusive POCSO Court started from 4-11-2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20 (From Nov. 2019)	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	138	87
Number of Cases Transferred (Nos.)	7	5
Number of Cases Taken up (Nos.)	213	129
Number of Cases Disposed (Nos.)	55	29

e. Budget Released to Court by High Court

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.8.8.GODDA (E POCSO COURT)

a. Details of the Court:Special Court POCSO Act, Civil Court Godda

b. Details of Start of the Court:Exclusive POCSO Court started from 8-11-2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
Financial allocation and expenditure handled by the Jharkhand High Court.			

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20 (From Nov. 2019)	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	23 (In the month of January 2019)	93 (In the month of January 2020)	After taking charge of Exclusive POCSO Court rate of disposal has been increased.
Number of Cases Transferred (Nos.)	94 (94 case records have been received in the month of November 2019, when P.O took charge of Exclusive POCSO Court)	28	
Number of Cases Taken up (Nos.)	117	107	Due to effect of corona epidemic disposal of cases have been hampered as recording of evidence of witness have been restricted from 24.03.2020
Number of Cases Disposed (Nos.)	21	41	

e. Budget Released to Court by High Court

As informed, financial allocation and expenditure handled by the Jharkhand High Court.

4.3.2.9. FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS**Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state**

Though a few POCSO Courts are not having manpower and infrastructure shortage, but in many cases insufficiency prevails. Due to Pandemic situation, manpower including required infrastructure are not created. So it is suggested such issues may be resolved as soon as pandemic gets over in order to expedite the disposal of pending Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act in the state. The State Government and State High Court are proactively working on the scheme for better execution of the central scheme. Ensuring the maximum disposal of the cases of POCSO courts are expected as soon as the Pandemic situation gets over.

Specific rules made by State Government/High Court

As informed by the Presiding Officers Specific rules are supposed to be made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country, it is found in majority of cases that there are no specific rules are made. All is delayed due to COVID-19 issue.

Quarterly monitoring carried out by Presiding Officers

As informed by the Presiding Officers, quarterly monitoring has not been taken place due to the social distancing and COVID-19. It is observed that the way the State Government and State High Court are working on scheme, this would be ensured earliest.

Adequacy of Manpower

In most of Courts, it is found that there is shortage of manpower. But this is due to pandemic as the recruitment process has not been expedited. Hopefully, this will be resolved as soon as pandemic is terminated.

Availability of infrastructure at Court for keeping Records, Photocopy, Computer, etc.

Apart from a few courts, majority of courts are having insufficient infrastructural facilities. This is one of the major issues, it must be resolve.

4.3.2.10. LAWYER/ ADVOCATE OF HIGH COURT OF JHARKHAND

Total 17 Lawyers are covered by the NPC team in the 7 districts viz. Deoghar, Dhanbad, Garhwa, Giridih, Godda, Jamshedpur and Ranchi of Jharkhand State.

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state

Inputs towards implementation of the scheme in the State by the Lawyers are given below:

- i. Constituting Exclusive Investigating and executing Committee is suggested
- ii. Police should be given special Power in case of execution of summons and warrant in POCSO case.
- iii. Record of statement of child victim should be framed and for this a law should be enacted.

Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018

According to the Lawyers effective participation of all Stakeholders relating to FTSCs including EPOCSO Courts should be ensured effectively and special trainings should be imparted and number of Public Prosecutor should be increased.

Average days taken from the start of the filing of case to the judgment delivery.

As informed by the lawyers the average time taken after filling up the charge sheet with concerned court till the judgment is pronounced is around 90-120 days.

Operation of FTSCs/ exclusive POCSO courts and improved access to justice and Fast Track courts.

The inputs given by the lawyers are stated below:

- i. Justice will be delivered earliest to the child victims if FTSCs/POCSO courts are operationalized.
- ii. Social justice and human rights (with regards to the child rights and development) will be ensured early.
- iii. Justice delayed means justice denied, so getting the victims early justice would certainly ensure the equality and rights.

4.3.2.11.LITIGANTS/ WITNESS OF HIGH COURT OF JHARKHAND

In two locations i.e. Dhanbad and Jamshedpur, total 6 Litigants/Witness covered in the study.

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state

Clients/victims are satisfied with the process of judiciary as FTSCs with EPOCSO is quickly delivering the judgment as far as possible. It has improved the access to justice

4.3.2.12.OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME

Adequacy of Manpower

Suggestions about adequate manpower provided to various stakeholder is given below:

Presiding Officers/Judges: Currently Existing Judges/Court Staff Members are assigned as Presiding Officers and Staff Members respectively in addition to their current work load. Full time man power will be ensured once the recruitment process gets over. It is now delayed due to the global pandemic.

Lawyers: As informed by the Lawyers there is a need to increase manpower in FTSCs and E POCSO, exclusive Public Prosecutors may be deputed in the court for speed and smooth facilitation of judgment.

Litigants/ Witness: According to litigantsnumber of Judges need to be increased to expedite the case disposal.

Availability of infrastructure with Court for keeping Records, Photocopy, Computer, etc.

- According to Presiding officers and Lawyers gap must be abridged between infrastructural requirements and available infrastructures.
- According to Litigants/ Witness Separate sitting arrangement for girl victims and Proper sitting facilities for victims and witness.

Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism.

According to Presiding officers and Litigants Pendency of Cases are removed, human rights and child rights are Ensured and speed disposal of judgments.

4.3.2.13.MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCs INCLUDING EXCLUSIVE POCSO COURTS

- As informed by the High Court there was a challenge of implementation, monitoring and evaluation due to non-recruitment of the Judicial Officials and COVID 19 Pandemic.
- According to Presiding officers there was a challenge to perform dual Responsibility together as POCSO Courts Presiding Officer and the existing Judgeship.

Additional support measures urgently required from Central Government.

According to Presiding Officers recruitment of Exclusive Presiding Officers should be done and as per lawyers more Public Prosecutors may be placed in the FTSCs on deputation.

4.3.2.13. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE

- As informed by the Lawyers Production of victims and witness by district administration and recording of victims statement may be done properly.
- According to Litigants/ Witness a separate Sitting Room for victims especially girl Victims and proper sitting arrangement for Witness.

4.3.3 STATE: MADHYA PRADESH HIGH COURT: HIGH COURT OF MADHYA PRADESH

4.3.3.1 Introduction

Inadequacy of current procedural law in a form of prolonged trial which result in low conviction rate defeat the fundamental right of victim to live with dignity and integrity .Speedy trial can result in reduction of rape cases against women and would meet ends in justice. Justice delayed is justice denied is the corner stone in delivering justice. Speedy trial is the essence of the criminal justice. Rape is a heinous crime which gives pain and suffering to the victim both physically and mentally. Rape destroys the soul of the victim of rape and they are again victimized during long trials process in the court.

The long rape trials and humiliating questions asked by the defense counsel destroys her completely both in the court and in the society as the stigma attached ruins her whole life. Therefore there is a need for speedy trials in the rape cases with the formation of special courts which can finish it off within one year. The present scheme of Department of Justice aims at effective implementation of Cr.

Law Amendment Act 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO courts across the country.

List of exclusive POCSO Courts set up in the state are as given below:

S.N.	District	Territorial Jurisdiction
1.	Ashoknagar	District HQ Ashoknagar
2.	Balaghat	District HQ Balaghat
3.	Betul	District HQ Betul
4.	Bhopal (2 Courts)	District HQ Bhopal
5.	Chhindwara	District HQ Chhindwara
6.	Guna	District HQ Guna
7.	Gwalior	District HQ Gwalior
8.	Indore (3 Courts)	District HQ Indore
9.	Jabalpur (2 Courts)	District HQ Jabalpur
10.	Katni	District HQ Katni
11.	Mandla	District HQ Mandla
12.	Ratlam	Session Division Ratlam
13.	Rewa	District HQ Rewa
14.	Sagar	District HQ Sagar
15.	Satna	District HQ Satna
16.	Seoni	District HQ Seoni
17.	Singrauli	District HQ Singrauli
18.	Tikamgarh	District HQ Tikamgarh
19.	Ujjain	District HQ Ujjain
20.	Ganj Basoda, Vidisha	Tehsil Basoda&Lateri
21.	Barwah W N Mandleshwar	Tehsil Barwah&Sanawad

List of FTSCs Courts set up in the state are as given below:

S.N.	District	Territorial Jurisdiction
1.	Ashoknagar	Ashoknagar
2.	Balaghat	Balaghat
3.	Betul	Betul
4.	Bhopal	Bhopal
5.	Chhindwara	Chhindwara
6.	Guna	Guna
7.	Gwalior	Gwalior
8.	Indore	Indore
9.	Jabalpur	Jabalpur
10.	Katni	Katni
11.	Ratlam	Ratlam
12.	Sagar	Sagar
13.	Satna	Satna
14.	Tikamgarh	Tikamgarh

15.	Ujjain	Ujjain
16.	Anoppur	Anoppur
17.	Barwani	Barwani
18.	Bhind	Bhind
19.	Burhanpur	Burhanpur
20.	Chhatarpur	Chhatarpur
21.	Damoh	Damoh
22.	Datia	Datia
23.	Dewas	Dewas
24.	Dhar	Dhar
25.	E.N. Khandwa	E.N. Khandwa
26.	Harda	Harda
27.	Hoshangabad	Hoshangabad
28.	Jhabua	.Thabua
29.	Mandsaur	Mandsaur
30.	Morena	Morena
31.	Narsinghpur	Narsinghpur
32.	Neemuch	Neemuch
33.	Panna	Panna
34.	Raisen	Raisen
35.	Rajgarh	Rajgarh
36.	Sehore	Sehore
37.	Shajapur	Shajapur
38.	Shandol	Shandol
39.	Shivpuri	Shivpuri
40.	Sidhi	Sidhi
41.	Umaria	Umaria
42.	Vidisha	Vidisha

NPC study team has covered a total of 6 FTSCs courts. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
High Court of Madhya Pradesh	Madhya Pradesh	6	3	6	6	2

4.3.3.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Madhya Pradesh was to setup 41 Special Fast Track Courts and 26 exclusive POCSO courts in the State. A total of 67 courts in the state were proposed to be setup,

considering a total of 11051 Cases pending under Rape and POCSO Act as on 31.03.2018 and 10141 Cases pending trial under POCSO Act as on 30.06.2019

As informed by the State Government/ High Court target of total 67 courts have been achieved by them.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
26	41	25	42	25	42

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
Number of Exclusive POCSO courts 25 at 21 places.	67 Notification dated 31/7/2020	Number of Exclusive POCSO courts 25 at 21 places.	67 Number of FTSCs ((Rape and POCSO courts are Operationalised in the State as on 31st July	Number of Exclusive POCSO courts 25 at 21 places.	67 Number of FTSCs ((Rape and POCSO courts are Functional in the State as on 31st July 2020

Source: State Government and High Court

4.3.3.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the case clearance rate of the FTSCs related to POCSO Act was 99.27% in the year 2019 which is very good disposal rate in comparison to the other States. The year wise details of the cases as reported by the Madhya Pradesh High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Madhya Pradesh

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	20 cases per month	20 cases per month	
	E POCSO (Nos.)	20 cases per	20 cases per month	

		month		
	Total (Nos)	-	-	
Number of cases Transferred	FTSC (Nos.)	*	*	
	E POCSO (Nos.)	**	**	
	Total (Nos)			
Number of cases Taken up	FTSC (Nos.)	4825	4682	9507
	E POCSO (Nos.)	5528	4825	10353
	Total (Nos)	10353	9507	19860
Number of cases Disposed	FTSC (Nos.)	6685	2175	8860
	E POCSO (Nos.)	-	2457	2457
	Total (Nos)	6685	4632	11317
Percent of Cases Disposed	FTSC (%)	0	0	-
	E POCSO (%)	NA	NA	-
	Total (%)	-	-	-

Source: High Court

* All the cases related to POCSO and Rape, Gang rape and Rape with murder cases dealt by other designated courts were transferred to FTSCs in the places where the FTSCs were established. Apart from that cases are directly instituted in these courts. The number of cases is different in each month.

**All the cases related to POCSO dealt by other designated courts were transferred to ePOCSO Courts in the places where the ePOCSO courts were established. Apart from that cases are directly instituted in these courts. The number of cases is different in each month

As shown in the table above, during the year 2020-21 (till 31st July 2020) the total number of cases taken up and number of cases disposed were 9507 and 4632 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Madhya Pradesh

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	6930	4116	11046
		E POCSO (Nos.)	4290	2548	6838
		Total (Nos)	11220	6664	17884
	Number of cases Disposed	FTSC (Nos.)	6685	2175	8860
		E POCSO (Nos.)	NA	2457	2457
		Total (Nos)	6685	4632	11317
	Percent of cases Disposed (%)	FTSC (Nos.)	96.46	52.84	80.21
		E POCSO (Nos.)	NA	96.43	35.93
		Total (Nos)	59.58	69.51	63.28

Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	10080	5880	15960
		E POCSO (Nos.)	6240	3640	9880
		Total (Nos)	16320	9520	25840
	Number of cases Disposed	FTSC (Nos.)	6685	2175	8860
		E POCSO (Nos.)	NA	2457	2457
		Total (Nos)	6685	4632	11317
	Percent of cases Disposed (%)	FTSC (Nos.)	66.32	66.32	55.51
		E POCSO (Nos.)	NA	66.32	24.87
		Total (Nos)	40.96	66.32	43.8

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 11220 and disposed cases were 6685. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 6664 and the numbers of cases disposed were 4632. The percent cases disposed for the year 2019-20 is 59.58% and for the year 2020-21 is 69.51%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Madhya Pradesh

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	7524	3204	10728
	FTSCs Cases (No)	1112	226	1338
	Exclusively POCSO Act cases (Nos.)	7626	3135	10761
Total Number of Cases Disposed	Regular Courts Cases (No)	5988	294	6282
	FTSCs Cases (No)	506	5	511
	Exclusively POCSO Act cases (Nos.)	4394	1019	5413
Total Number of Cases where conviction took place	Regular Courts Cases (No)	1522	40	1562
	FTSCs Cases (No)	78	1	79
	Exclusively POCSO Act cases (Nos.)	957	97	1054
Percent Conviction to Disposal rate	Regular Courts Cases (%)	25.42	13.61	24.86
	FTSCs Cases (%)	15.42	20	15.46
	Exclusively POCSO Act cases (%)	21.78	9.52	19.47

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 25.42, 15.42% and 21.78% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 13.61%, 20.00% and 9.52% respectively.

4.3.3.4. Financial Progress against the Target sets to Madhya Pradesh

According to Registrar General of High Court they have received the Central Share of Centrally Sponsored Scheme of an amount of Rs. 810 lakhs and State Share of Rs. 540 Lakhs was received by the High Court. As stated by the Registrar General of High Court there was delay of 3-5 months in getting the funds. But after receiving the budget for the FTSCs and exclusive POCSO courts they are not operationalised and functional till date. However, High Court stated that nine POCSO courts were operational before release of budget and the existing Fast Track Courts in all the judicial headquarters except Adilabad are designated as Fast Track Special Courts w.e.f. 2.10.2019.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	1507.50		11/10/2019	42	25	27/05/20	Shortage of 1507.50
	753.75	15/06/20	06/08/20	42	25		
State Share Released by State Govt.	2010.00	--	April month	42	25	--	--
	2010	--	April month	42	25		
Funds Received by High Court	(2020-21) 83.93 Cr.	12.06.2020	27.07.2020 32.77 Cr.	67	26(at that time)	15.07 Cr./ 27.05.2020	FY 19-20 spend under scheme 4497 and utilized Rs.15,07,50,000/- Demand for FY 2020-21 Rs 83.93 Cr. But sanction only 32.77 Cr.

4.3.3.5. Average annual expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The officials of the High Court informed that they have received the funds from Central and State Governments on time and the average annual expenditure incurred on operational cost per FTSCs including exclusive POCSO courts is 27.51 lakhs for 67 courts per year. Details are given below in the table:

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	Scheme 4497	41.00	Expenditure for 1 Court per month is Rs. 3,42,200/- Therefore, for 12 months the expenditure will be Rs. 3,42,200 by 12 = 41,06,400 lakh For 67 courts- 4106400 x 67 = Rs. 27,51,28,800

4.3.3.6. Constraints faced in establishment and operationalisation of FTSCs including exclusive POCSO courts

As reported by the Registrar of High Court to the NPC team during their field visit about the major challenges faced in setting up of FTSCs and exclusive POCSO courts are given below:

- i. Requisite infrastructure is not available in some places especially old court rooms. In this regard, the proposal is pending with the State Government for construction of 34 childfriendly courts and no progress till date in this regard.
- ii. Special waiting rooms for Rape and POCSO victims are not available in most of the districts.
- iii. Near about 60% cases police has not completed the investigation within stipulated time and reason for delay have not been mentioned in charge sheet.
- iv. FSL facilities are available only at few places at Gwalior, Bhopal and Indore only and DNA analysis capability is only at Sagar district. Therefore DNA/FSL reports are not available on time.
- v. No interpreter or special educator is available in any district of the State of M.P. Only in very few districts facility of videography for recording of statements is available in the courts.
- vi. In most of the cases the presence of witnesses are not ensured by the prosecution/investigating agencies.

4.3.3.7. Monitoring and Delivery Mechanism

High court informed that a Hon'ble Committee (Committee no. 39) is formed to oversee the progress of the cases relating to PC & PNDT Act, 1994 and the POCSO Act. Hon'ble Committee is comprising of Three Hon'ble Justices has been formed.

A district committee is also formed to oversee the progress of the cases at district level. The committee comprises of 5 members viz. District Judge, Special Judge, CJM, Superintendent of Police and District Magistrate.

4.3.3.8. PRESIDING OFFICER/ JUDGES OF HIGH COURT OF MADHYA PRADESH

4.3.3.8.1. JABALPUR (E POCSO COURT) I

- a. **Details of the Court :-** 11th Additional District Judge e POCSO court
- b. **Details of Start of the Court:-** 28/08/2020
- c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details not Provided.

- d. **Details of number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	20 cases per month	20 cases per month	
Number of Cases Transferred (Nos.)	All the cases related to POCSO dealt by other designated courts were transferred to the FTSCs. Exclusive POCSO Court Apart from that ,cases are directly instituted in these courts. The number of cases instituted in this	The courts are functioning since beginning of the year i.e 01/01/2020 with specified jurisdiction. Therefore cases are directly instituted in these courts.	

	courts are different in each month.		
Number of Cases Taken up (Nos.)	324	108	
Number of Cases Disposed (Nos.)	287	83	

- e. **Budget Released to Court by High Court**
NA

4.3.3.8.2 JABALPUR (E POCSO COURT) II

- a. **Details of the Court** : 27th Additional District & Session Judge
- b. **Details of Start of the Court**: 13/07/2020
- c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details not Provided.

- d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	20 cases per month	20 cases per month	
Number of Cases Transferred (Nos.)	All the cases related to POCSO dealt by other designated courts were transferred to the FTSCs. Exclusive POCSO Court Apart from that cases are directly instituted in these courts. The number of cases instituted in this courts are different in each month.	The courts are functioning since beginning of the year i.e. 01/01/2020 with specified jurisdiction. Therefore cases are directly instituted in these courts.	
Number of Cases Taken up (Nos.)	312	160	
Number of Cases Disposed (Nos.)	104	15	

- e. **Budget Released to Court by High Court**
Details not provided

4.3.3.8.3 JABALPUR (FTSC) III

- a. **Details of the Court**: 13th Additional District Judge
- b. **Details of Start of the Court**: 03/09/2019 OAW court
- c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details not provided

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	--	--	
Number of Cases Transferred (Nos.)	04	--	
Number of Cases Taken up (Nos.)	221	24	
Number of Cases Disposed (Nos.)	19	23	

4.3.3.8.4 BHOPAL (E POCSO COURT) I

a. Details of the Court : 23 Additional District Judge

b. Details of Start of the Court:- June 2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Details not provided

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	774	518	
Number of Cases Transferred (Nos.)	477	202	
Number of Cases Taken up (Nos.)	-	-	
Number of Cases Disposed (Nos.)	442	101	

e. Budget Released to Court by High Court

Details not provided

4.3.3.8.5 BHOPAL (E POCSO COURT) II

a. Details of the Court: 18th Additional District Judge Bhopal

b. Details of Start of the Court: 18-05-2018

c. Expenditure Incurred on the Operational Cost per FTSC per year

Details not provided

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	394	254	
Number of Cases Transferred (Nos.)	231	65	
Number of Cases Taken up (Nos.)	-	-	
Number of Cases Disposed (Nos.)	237	55	

e. **Budget Released to Court by High Court**

Details not provided

4.3.3.8.6 BHOPAL (E POCSO COURT) III

a. **Details of the Court** :10th Additional District Judge

b. **Details of Start of the Court:** POCSO court from July 2019 – Aug 2019 and OAW court from Sep 2019

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details not provided

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	357	299	Working as POCSO july2019-aug2019 and working as OAW court sep 2019 onwards
Number of Cases Transferred (Nos.)	444	49	In the month of sep 133 POCSO cases were transferred and only working as OAW court
Number of Cases Taken up (Nos.)	357	299	
Number of Cases Disposed (Nos.)	58	42	

e. **Budget Released to Court by High Court**

Details not provided

4.3.3.9 FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state

According to the Presiding officers there should be separate agency for compliance of summons and warrants, there should be trained staff for these special courts and the challenges faced in functioning are large number of cases. Sometime it becomes difficult to make appearance of witness and DNA reports are received very late which increase the time period of cases.

Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018

As informed by the Presiding Officers girls get sexually mature by the age of 16, therefore it may be considered the age of consent be reduced to 16. If the age is reduced then in the cases of consent corresponding sentence can be reduced. Also two months time is very short for disposal of FTSC cases in view of pending cases, there is no separate agency for compliance of summons and warrants and reluctance of complainant and other individual witness for evidence.

Adequacy of Manpower.

According to Presiding Officers adequate manpower is available with all the courts.

Quarterly Monitoring of the cases by the Presiding Officers.

As reported by Presiding Officers a periodically, fortnightly Quarterly monitoring report in standard format is being sent to honorable high court. Information includes number of witnesses taken, number of witnesses returned, number of cases in which prosecution witness could not be taken in 30days.

Availability of infrastructure with the Court for keeping Records, Photocopy, Computer, etc.

As informed by the Presiding officers they have adequate infrastructure available with them in the court for keeping records, photocopy machine and computers.

4.3.310. LAWYER/ ADVOCATE OF HIGH COURT OF MADHYA PRADESH

There are six lawyers/advocates covered in the survey including two special prosecution officer. All these lawyers are working at District High Court Jabalpur and Bhopal.

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state

There are different views of the lawyers on the scheme of fast Track Courts for expeditious disposal of rape and POCSO courts. Some feel that in view of quick disposal of the cases the criminal law procedures are not followed properly. However some are of the opinion that there courts are following proper procedure irrespective of delay in order to make judgment according to the evidence.

Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018

As informed by the Lawyers no rules are formulated till now.

Average days taken from the start of the filing of case to the judgment delivery.

According to Lawyers on an average 6 months to 1 year is taken from the start of the filing of case to the judgment delivery.

4.3.3.11. LITIGANTS/ WITNESS OF HIGH COURT OF MADHYA PRADESH

There are two Litigants/ Witness covered in the survey. Both are from Jabalpur and Bhopal district of Madhya Pradesh.

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state

According to Litigants/witness there was positive impact of the scheme due to timely hearings and expeditious disposal of cases except from last few months since march 2020 only important cases are being conducted by video conferencing due to COVID 19.

4.3.3.12.OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN MADHYA PRADESH

Adequacy of Manpower.

According to all the stakeholders the adequate manpower is available with the courts.

Available infrastructure with Court for keeping Records, Photocopy, Computer, etc.

As informed by Presiding officers and Lawyers they have adequate infrastructure with them for smooth functioning of the courts.

Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism.

As informed by all the stakeholders the scheme has positive impact.

4.3.3.13.MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCs INCLUDING EXCLUSIVE POCSO COURTS

The major problems faced in operationalising FTSCs including exclusive POCSO courts are given below:

- i. Requisite infrastructure is not available in some places especially old court rooms. In this regard, the proposal is pending with the State Government for construction of 34 child friendly courts and no progress till date in this regard.
- ii. Special waiting rooms for Rape and POCSO victims are not available in most of the districts.
- iii. Near about 60% cases police has not completed the investigation within stipulated time and reason for delay have not been mentioned in charge sheet.
- iv. FSL facilities are available only at few places at Gwalior, Bhopal and Indore only and DNA analysis capability is only at Sagar district. Therefore DNA/FSL reports are not available on time.
- v. No interpreter or special educator is available in any district of the State of M.P. Only in very few districts facility of videography for recording of statements is available in the courts.
- vi. In most of the cases the presence of witnesses are not ensured by the prosecution/investigating agencies.

4.3.3.14.ADDITIONAL SUPPORT MEASURES URGENTLY REQUIRED FROM CENTRAL GOVERNMENT

The following additional support measures are urgently required:

- i. Separate Nodal officer not below the rank of Additional S.P.be attached to each Exclusive POCSO.
- ii. Adequate trained staff be available in each court and to maintain continuity they should not be transferred frequently to ensure that child witnesses are handled in a friendly manner.
- iii. Advocates should be sensitized in dealing child witnesses in a dignified and a child friendly manner treating them as survivors and not as a routine witness.
- iv. Police personnel dealing with investigation of these cases should be properly trained to ensure uniformity in investigation.
- v. Court to be provided required funds/budget on time.

4.3.3.15. MODIFICATIONS PROPOSED IN THE SCHEME

As informed by the Presiding Officers/Judges girls get sexually mature by the age of 16, therefore it may be considered the age of consent be reduced to 16. If the age is reduced then in the cases of consent corresponding sentence can be reduced. DNA reports are being received late.

4.3.3.16. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE.

Suggestions for making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases, for its effective implementation in the coming years are as follows:

- i. According to the Lawyers forensic age determination requested by courts when real age is unknown should not suffer unfair advantage. Ossification age determination done by some doctors who give an estimated age of +/- age of 6 months to 2 years which is very critical in deciding the age of the victim. So it is required to be looked into by the authorities seriously so that all legal procedures to which the individual age is relevant can be properly followed.

- ii. The investigation by Police is not completed in stipulated time and reasons for delay is also not stated in the charge sheet.
- iii. DNA & FSL reports are not available on time as FSL facilities are available at few places only. Non availability of DNA & FSL reports causes delay in disposal of cases.
- iv. In most of the cases the presence of witnesses is not secured timely by the prosecution agency resulting in delay.
- v. Special interpreters/translators/special educators are not specifically nominated in each POCSO Court which also results in delay. Poor quality of Video Conferencing Connectivity results in delay in proceedings.
- vi. Service of summons & warrants and processes is not satisfactory which also results in delay.

All these suggestions should come into consideration and should be incorporated to make the scheme more beneficial for the beneficiaries.

4.3.4. STATE: TELANGANA HIGH COURT: HIGH COURT OF TELANGANA

4.3.4.1 Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Telangana was to setup 26 Special Fast Track Courts and 10 exclusive POCSO courts in the State. A total of 36 courts in the state were proposed to be setup, considering a total of 5598 Cases pending under Rape and POCSO Act as on 31.03.2018 and 4922 Cases pending trial under POCSO Act as on 30.06.2019 .

As informed by the State Government/ High Court, in compliance with the orders of the Hon'ble Supreme Court of India, orders were issued for establishment of 36 FTSCs. However, 36 FTSCs are not established and operationalized in the state under the Scheme. However, after receiving the intimation from the Department of Justice w.e.f. 02.10.2019 nine existing Fast Track Courts are designated as dedicated Fast Track Special Courts for expeditious trial and disposal of Rape and Protection of Children against Sexual Offences (POCSO) Act cases.

List of FTSCs including exclusive POCSO Courts set up in the state are as given below:

Sl.No.	Name of the Fast Track Court to be converted as Special Courts exclusively to deal with trial and disposal of cases under POCSO Act	Judicial District Headquarters
1.	XII Additional Chief Judge's (FTC), City Civil Court, Hyderabad	Hyderabad
2.	IV Additional District and Sessions Judge's Court (FTC), Karimnagar	Karimnagar
3.	II Additional District and Sessions Judge's Court (FTC) Khammam	Khammam
4.	II Additional District and Sessions Judge's Court (FTC) Mahabubnagar	Mahabubnagar

5.	II Additional District and Sessions Judge's Court (FTC), Medak at Sangareddy	Medak at Sangareddy
6.	III Additional District and Sessions Judge's Court (FTC), Nalgonda	Nalgonda
7.	II Additional District and Sessions Judge's Court (FTC), Nizamabad	Nizamabad
8.	iX Additional District and sessions Judge's Court- cum-X Additional Metropolitan Sessions Judge's Court (FTC), Cyberabad, Ranga Reddy at L.B Nagar	L.B Nagar
9.	IV Additional District and Sessions Judge's Court (FTC), Warangal	Warangal

NPC study team has covered a total of 3 FTSCs courts viz. Ranga Reddy at LB Nagar, Hyderabad and Nalgonda District Court. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
High Court for the State of Telangana	Telangana	3	3	3	3	0

4.3.4.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Telangana the target for setting up 26 Special Fast Track Courts and 10 exclusive POCSO courts. A total of 36 courts in the state were proposed to be setup was given for Telangana State. But as per the information provided by the High court till now no court has been setup by the State Government/High Court. However, after receiving the intimation from the Department of Justice w.e.f. 02.10.2019 nine existing Fast Track Courts are designated as dedicated Fast Track Special Courts for Exclusively handling POCSO cases.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
10	26	0	0*	0	0*

*Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
10	26	To be furnished by the HC	To be furnished by the HC	To be furnished by the HC	To be furnished by the HC

Source: State Government and High Court

4.3.4.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is yet to be completed. But nine existing Fast Track Courts are designated as dedicated Fast Track Special Courts for Exclusively handling POCSO cases. The year wise details of the cases as reported by the Telangana High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Telangana

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	NA	NA	NA
	Total (Nos)	NA	NA	NA
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	1892	328	2220
	Total (Nos)	1892	328	2220
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	1892	328	2220
	Total (Nos)	1892	328	2220
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	310	522	832
	Total (Nos)	310	522	832
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	NA	NA	NA
	Total (%)	NA	NA	NA

*Source: State Government and High Court

As shown in the table above, during the year 2020-21 (till 31st July 2020) the total number of transferred cases, number of cases taken up and number of cases disposed were 328, 328 and 522 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Telangana

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	1820	2548	4368
		E POCSO (Nos.)	700	980	1680
		Total (Nos)	2520	3528	6048
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	310	522	832
		Total (Nos)	310	522	832
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	44.29	53.26	54.26
		Total (Nos)	44.29	53.26	54.26
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	NA	NA	NA
		Total (Nos)	NA	NA	NA
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	310	522	832
		Total (Nos)	310	522	832
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	NA	NA	NA
		Total (Nos)	NA	NA	NA

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 2520 and disposed cases were 310. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 3528 and the numbers of cases disposed were 522. The percent cases disposed for the year 2020-21 is 54.26%.

4.3.4.4 Financial Progress against the Target sets

According to Registrar General of High Court they have received the Central Share of Centrally Sponsored Scheme of an amount of Rs. 810 lakhs and State Share of Rs. 540 Lakhs was received by the High Court. As stated by the Registrar General of High Court there was delay of 3-5 months in getting the funds. But after receiving the budget for the FTSCs and exclusive POCSO courts were are not setup and functional till date. However, High Court stated that nine POCSO courts were operational before release of budget and the existing Fast Track Courts in all the judicial headquarters except Adilabad are designated as Fast Track Special Courts w.e.f. 2.10.2019.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Telangana

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	810	20-12-19	31-12-19 (1.35 Cr) 30-3-20 (6.75 Cr)			To be furnished by the HC	Issued admn sanction for Rs. 8.10 Cr under HOA 2014-00-103-12-06-310-312, vide GO Rt No.240, dt. 20-5-2020
State Share Released by State Govt.	540	21-5-20	31-7-20			To be furnished by the HC	Issued admn sanction for Rs. 5.40 Cr under HOA 2014-00-103-12-06-310-312, vide GO Rt No.345, dt. 31-7-2020
Funds Received by High Court	1350	NA	NA	NA	NA	NA	FTSCs including exclusive POCSO court are not functioning-

4.3.4.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The officials of the High Court informed that they have received the funds from Central and State Governments but till yet no fund have been utilized by them to operationalise the FTSCs and exclusive POCSO courts.

4.3.4.5 Constraints faced in establishment and operationalisation of FTSCs including exclusive POCSO courts

As reported by the Registrar of High Court to the NPC team during their field visit that on receipt of intimation from the Department of Justice w.e.f. 02.10.2019 nine existing Fast Track Courts are designated as dedicated Fast Track Special Courts for expeditious trial and disposal of Rape and Protection of Children against Sexual Offences (POCSO) Act cases in all the Judicial districts except Adilabad District. Further all the ten First Additional District Judges Courts in the State are designated as Special Courts to try the offences, filed under the POCSO Act. In addition to it an exiting POCSO Court is established in Barosa Centre, Hyderabad under the control of the Metropolitan Sessions Judge, Hyderabad.

The High Court was making efforts to operationalise the Fast Track Special Courts by giving promotion to regular Judicial Officers and recruiting the staff on contract basis. The High Court addressed letters to State Government for fixing remuneration to contract employees. The State Government in its letter dated 03.06.2020 informed that the Finance (HRM.VII) Department, when consulted, have advised to circulate the file after submission and approval of the first PRC report. Again the High Court addressed a letter to the State Government for approving the High Court's

proposals as there is no additional burden on the State exchequer, as the Central Government is providing 60% funds and the State Government is providing the balance of 40% fund for the said scheme.

4.3.4.6. Monitoring and Delivery Mechanism

High court informed that the Hon'ble the Chief Justice, High Court for the State of Telangana has constituted a Committee for periodically monitoring the pendency and disposal of Rape and Protection of Children against Sexual Offences (POCSO) Act Cases and to issue necessary directions. At present the committee comprising of Two Hon'ble Justice is formed. The Committee could not conduct any meeting from March 2020 till date as the trial courts are functioning virtually and no trial matters are taken up physically by the courts, in view of lock down due to COVID-19.

4.3.4.7. PRESIDING OFFICER/ JUDGES OF HIGH COURT OF TELANGANA

4.3.4.7.1. RANGA REDDY AT LB NAGAR (E POCSO COURT)

- a. **Details of the Court:** FTSC for trail of cases under POCSO act -cum- IX Addl District & Sessions Judge, Ranga Reddy at LB Nagar, RR District.
- b. **Details of Start of the Court:** 2-10-2019
- c. **Expenditure incurred on the Operational Cost per FTSC per year:**
No separate budget is allotted. It is functioning with the budget allotted to the Court of IX Addl District & Sessions Judge.
- d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	-
Number of Cases Transferred (Nos.)	199	102
Number of Cases Taken up (Nos.)	-	-
Number of Cases Disposed (Nos.)	32	74

- e. **Budget Released to Court by High Court**
No separate budget is allotted. It is functioning with the budget allotted to the Court of IX Addl District & Sessions Judge.

4.3.4.7.2. HYDERABAD (E POCSO COURT)

- a. **Details of the Court:** Exclusive FTSC for POCSO act cases, Ground Floor, HACA Bhavan, Hyderabad, Hyderabad District.

b. Details of Start of the Court: 2-10-2019 (Inauguration) & 3-10-2019 (Functioning)

c. Expenditure incurred on the Operational Cost per FTSC per year

This court is receiving budget from Chief Judge of City Civil Court, Hyderabad. Release of funds is as per the requirement.

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any) (Head -description)
1	131	15000/-	Telephone
2	132	150000/-	Other office expenditure
3	133	-	Water
4	135	10500/-	Electricity
	301	267480/-	Contract Staff
	Total	442980/-	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	150-200		Cases are made over
Number of Cases Transferred (Nos.)	265	220	
Number of Cases Taken up (Nos.)	-		
Number of Cases Disposed (Nos.)	45		Due to COVID-19, Physical courts are not functioning except in emergency cases.

e. Budget Released to Court by High Court

This court is receiving budget from Chief Judge of City Civil Court, Hyderabad. Release of funds is as per the requirement.

4.3.4.7.3.NALGONDA (E POCSO COURT)

a. Details of the Court: Special Fast Track Court for expeditious disposal of Rape & POCSO cases, Nalgonda, Old ZP Office, Nalgonda

b. Details of Start of the Court: 29-7-2020

c. Expenditure incurred on the Operational Cost per FTSC per year:

Details not provided

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)			
Number of Cases Transferred (Nos.)		60	
Number of Cases Taken up (Nos.)	Court was inaugurated on 29-7-2020.	3	Working days are Only
Number of Cases Disposed (Nos.)		2	

4.3.4.7.4. Field Survey Findings: Feedback received from Presiding Officers of High Court of Telangana

According to the Presiding officers the existing scheme is sufficient if it is implemented properly. There is a need for further speeding up of the cases disposal. Some of the challenges being faced are Police are not producing the witnesses more particularly official witnesses as per schedule. They have their own reasons like doctors and/or investigation officers are transferred or left to abroad to work there or stay for long period with their children etc., Similarly, Victims and their relatives are not being traced out in cities like Hyderabad/ R.R due to delays in commencing trials. Other challenges being by the time it comes for trial, Victims are getting married and parents coming to the court with representation for withdrawal, otherwise marital relations will be disturbed. Other scenario is Victim and Accused may be nearby relatives or others and subsequently, they may be getting married and /or coming to compromise from both sides over the period due to delays.

Child friendly unified rules for all the country have to be formulated. Separate accommodation /room is necessary for the victims and their attendants at the court to safeguard the victims from accused. Separate cabin for the accused in the court hall is necessary to ensure that he is not confronted with the victim while giving evidence. In accused identity process, now a screen technology being used in very few Courts, that may be provided in all the courts.

Rehabilitation, compensation & reintegration of the child has to be implemented properly. Sufficient & immediate disbursement of compensation to victims needs to be implemented. Woman and children are most vulnerable section in the society. With the traumatic state of mind, victim child is turning hostile. For better treatment and handling of the child all the concerned departments should have a staff deployment in a office/unit attached to the court and they should be in the same premises. Some the expert services required would be of great help are Psychologist, Psychiatrist, Child Welfare Officer, Woman Welfare Officer, Child Counsellor etc., Same may be considered under the Scheme as well.

Other measures for effective implementation could be: Awareness / Empowerment programs/ activities in Schools and through Print and Electronic Media. There must be atleast 2 legal literacy camps in each mandal. Mandal Legal Committees may be utilized for this purpose. Targets are O.K but not at the Cost of Compromise in Justice. While recording the statement of the Victim, Woman Constable deployment should be made as far as practicable. Appointment of regular Public Prosecutor is required as the present PP is in-charge of this Court and other courts as such the PP attends this court only for 2 hrs in a day. In each district a regular POCSO court must be established apart from Fast Track Courts. Adequate manpower is required. The Advocates and other stakeholders who are dealing with the POCSO case and Victim must be sensitized on the Act and in dealing of the child. There should be a budget allocation for providing the victims' compensation ordered by the Court to avoid the delay and curtail the elaborate procedure.

Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018.

As informed by the Presiding Officers no rules are framed and informed that POCSO Act guidelines and rules are followed by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country

Implementation of the Scheme at the level of State Government.

Law Secretary stated that in pursuance of the letter dt. 5-9-2019 of the GOI, the Government of Telangana have issued orders for establishment of 36 FTSCs in the State of Telangana, vide G.O.Ms.No.58, dt.19-12-2019. Further orders were issued for creation of (504) posts, vide G.O.Ms.No.104, dt.30-12-2019. And funds received from Central Share and the State Share is released to High Court.

Adequacy of Manpower

High Court. As per G.O.Ms. No.104, dated 30.12.2019 regular Judicial officers are to be posted from the regular cadre. One retd. Superintendent and rest of the staff to each of the Court shall be appointed on Contract basis and the selection process is in progress.

4.6.8. Lawyer/ Advocate of High Court of Telangana

Three advocates are covered and the interaction was held over phone. All of the three are from Hyderabad. One is dealing the cases in POCSO court at LB Nagar, RR District and the remaining two deal the cases at POCSO court at Hyderabad.

4.3.4.8.1 FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM LAWYERS

Inputs about the implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act in the state proposed by the Lawyers are given below:

- Efficient and knowledgeable advocates should be appointed as PPs, as efforts are more important from prosecution side than defense side.

- Training to the defense lawyers in handling/ dealing with the Victim child.
- Training to police staff and to implement provisions of the Act effectively, severe punishments are needed if found guilty.
- Child witness: one time to be made sufficient.
- Steps should be taken to avoid unnecessary adjournments.
- Requires atleast another 2-3 staff members in the Court at LB Nagar.
- The impact is positive and courts may be continued as people also get to the about them and empowered.
- Presently courts are running as per the procedures. For greater impact, in all POCSO cases, the judgement should be delivered within 3 months from the date of offence, as the victim is normally child of tender age and the victim can't identify the culprit easily if the case prolongs for longer period, as they normally will have short memory.
- The no. of courts should be increased.
- The court should not luxury/comfort facilities and phone facilities to the accused person. The environment of the court should reflect the punished state of affairs.
- Child friendly atmosphere with some snacks and play area environment should be provided to the victims.

Average days taken from the start of the filing of case to the judgment delivery.

According to the Lawyers the average days taken from start of the filling of case to the judgment delivery is from 180-350 days.

4.3.4.9. Overall Assessment of the impact and Operation of the scheme in Telangana

4.3.4.9.1. Adequacy of Manpower

As informed by High Court that ideal manpower for a Court is 12. Accordingly, HC is in the process of recruitment and providing the manpower to the Courts, which is in progress According to Presiding Officers and Lawyers Adequate manpower is not provided to them.

4.3.4.9.2. Infrastructure availability with Court for keeping Records, Photocopy, Computer, etc.

As per the information provided by the Presiding Officer and Lawyers the infrastructure for keeping of records, photocopy, computer etc., are available. TV Screen and related equipment may be provided for better victim friendly environment in Witnessing/Identification process.

4.3.4.9.3. Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism

As informed by all the stakeholders i.e High Court, Presiding Officers and Lawyers that the scheme has the positive impact.

4.3.4.9.4 Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts

According to Registrar General of High Court after receipt of intimation from the Department of Justice w.e.f 02.10.2019 nine existing FTCs are designated as dedicated FTSCs for expeditious trail

and disposal of Rape and POCSO Act cases in all the Judicial districts except Adilabad District. Further, all ten First Additional District Judge Courts in the State are designated as Special Courts to try the Offences, filed under the POCSO Act. In addition to it an existing POCSO Court is established in Barosa Centre, Hyderabad under the Control of the Metropolitan Sessions Judge, Hyderabad.

The High Court was making efforts to operationalize the FTSCs by giving promotion to regular Judicial Officers and recruiting the staff on contract basis. Addressed letters to State Government for fixing remuneration to contract employees. The State Government in its letter dated 3.6.2020 informed that the Finance (HRM.VII) Department, when consulted, have advised to circulate the file after submission and approval of the first PRC report. Again, the High Court addressed a letter the State Government approve the High Court's proposals as there is no additional burden costed on the State exchequer. As the Central Government is providing 60% funds and the State Government is providing the balance of 40% fund for the said scheme.

According to Presiding Officers the major challenges are lack of regular PP and present COVID-19 situation restricted physical functioning of courts.

4.3.4.9.5. Additional support measures urgently required from Central Government.

According to Presiding Officers/Judges the additional Support urgently required under the scheme is given below:

- Rehabilitation and reintegration of child.
- Sufficient & immediate disbursement of compensation to victim.
- Adequate manpower in the court is required.
- Separate accommodation/ room is necessary for the victims and their attendants at the court, to safeguard the victims from the accused.
- Separate cabin for the accused in the court hall is necessary to ensure that he is not confronted with the Victim while giving evidence.

4.3.4.9.6. Modifications proposed in the scheme.

According to Presiding Officers/Judges modifications proposed in the scheme for disposal of pending rape & POCSO Act cases are as follows:

- Measures for Rehabilitation and reintegration of child and Sufficient & immediate disbursement of compensation to victim.
- In each district a regular POCSO court must be established apart from Fast Track Court.
- There should be a component for sensitizing programmes for the advocates and other stakeholders on the Act and dealing with the Victim (Child).

4.3.4.9.7. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE.

As informed by Presiding Officers there should be a budget allocation for the Victims Compensation ordered by the Court to avoid the delay and curtailing the elaborate procedure.

To avoid many problems arise out of delays, speeding up of the case disposal is very important with necessary infrastructure, manpower and systems /procedures in place.

According to the suggestions given by Lawyers training to the police staff may be given, Severe punishments are needed in found guilty, one time presence of child witness to be made sufficient, appointment of efficient & knowledgeable PPs are required, number of FTSCs courts may be increased and child friendly atmosphere in the Courts should be provided to the witness/litigants.

4.3.5.STATE: ASSAM

HIGH COURT: GAUHATI HIGH COURT

4.3.5.1 Introduction

The FTSC scheme is being implemented in Assam through the Gauhati High Court which is the designated High court for the state of Assam, Nagaland, Mizoram and Arunachal Pradesh. During the discussion with the officials of the state government and the Gauhati High Court, it could be gathered that under the scheme exclusive POCSO courts were established vide the Notification number Memo NO. HC VII-33/2018/26/A dated 2.1.2020.

A total of 10 courts were sanctioned by the state all of which are exclusive POCSO courts. At Present 7 Exclusive POCSO courts has been operationalized and are functional.

List of Exclusive POCSO Courts

Court of 1st Additional District & Sessions courts in the districts of

- (i) Baksa
- (ii) Cachar
- (iii) Kokrajhar
- (iv) Nalbari
- (v) Sonitpur
- (vi) Nagaon
- (vii) KarbiAnglong

It may be noted here that in all the above mentioned courts, the existing Additional District Judge court has been converted in exclusive POCSO courts. The details w.r.t the presiding officer of the above mentioned courts are as given below:

S No.	District	Name of the District & Session Judge	Email & contact no.
1.	Baksa	ShAminur Rahman	9435128779 aaaminurahmanajs@gmail.com baksa.session@gmail.com
2.	Cachar	Sri Darak Ullah	9859003902 03842-233760 darakullah@gmail.com
3.	KarbiAnglong	Md. Abdul Hakim	9435103316 03671-274556

			Hakimabdul31@yahoo.com Diphu.session@gmail.com
4.	Kokrajhar	Smt Rita Kar	9435149846 03661-276422 Ritakar46@gmail.com Kokrajhar.session@gmail.com
5.	Nagaon	Shri MridulKalita	9859175418 03672-255115 kalitamridul@ymail.com nagaon.session@gmail.com
6.	Nalbari	Smt Sharmila Bhuyan	9435296382 03624-220320 sharmilaajs@gmail.com nalbari.session@gmail.com
7.	Sonitpur	Smt Indira Barman	9435347103 03712-232915 ibindirab@gmail.com tezpur.sessions@gmail.com

During the discussions with the officials and data provided through the questionnaires it could be gathered that no specific rules has been formulated by the state government or the High Court however a notification dated 2nd of January 2020 was published by the Gauhati High Court directing the 16 Courts of Additional District & Sessions Judge in Assam state to deal exclusively with cases under POCSO act.

NPC study team has covered a total of 6 Exclusive POCSO courts viz. Nagaon, Nalbari, Sonitpur, Kokrajhar, Baksa and Cachar. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
Gauhati High Court	Assam	6	6	6	13	7

4.3.5.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Assam the target for setting up 12 Special Fast Track Courts and 15 exclusive POCSO courts. A total of 27 courts in the state were proposed to be setup was given for Assam State. But as per the information provided by the High court they have the target of only 10 courts out of which only 7 Exclusive POCSO court were functional at the time of field visit.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
15	12	0	10	7	0

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
10	-	0	0	7	0

Source: State Government and High Court

4.3.5.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

During the year 2019-20 the FTSCs court were not functional as per the information provided by the State government. The year wise details of the cases as reported by the Gauhati High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Gauhati High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	NA	NA
	Total (Nos)	0	NA	NA
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	198	198
	Total (Nos)	0	198	198
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	502	502
	Total (Nos)	0	502	502
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	79	79
	Total (Nos)	0	79	79
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	0	NA	NA
	Total (%)	0	NA	NA

*Source: State Government and High Court

As shown in the table above, during the year 2020-21 (till 31st July 2020) the number of transferred cases, number of cases taken up and number of cases disposed were 198, 205 and 79 respectively. Hence, the number of cases disposed were only 79 against the number of cases taken due to the COVID pandemic so no Hearing matters could be taken up.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Gauhati High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	495	660	1155
		E POCSO (Nos.)	619	825	1444
		Total (Nos)	1114	1485	2599
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	79	79
		Total (Nos)	0	79	79
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	9.57	5.47
		Total (Nos)	0	5.31	3.03
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	NA	NA
		Total (Nos)	0	NA	NA
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	79	79
		Total (Nos)	0	79	79
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	NA	NA
		Total (Nos)	0	NA	NA

According to the guidelines of the scheme it has been shown in the table above that targeted cases during the year 2019-20 was 1114 and disposed cases were zero. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 1485 and the number of cases disposed were only 79. The percent cases disposed for the year 2020-21 is 5.31%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Gauhati High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	7821	1627	9448
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	1463	202	1665
Total Number of Cases	Regular Courts Cases (No)	4619	398	5017

Disposed	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	402	22	424
Total Number of Cases where conviction took place	Regular Courts Cases (No)	402	25	427
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	57	5	62
Percent Conviction to Disposal rate	Regular Courts Cases (%)	8.7	6.28	8.51
	FTSCs Cases (%)	0	0	0
	Exclusively POCSO Act cases (%)	14.18	22.73	14.62

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 8.70%, 0.00% and 14.18% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 6.28%, 0.00% and 22.73% respectively.

4.3.5.4 Financial Progress against the Target sets

During the field visit the high court stated that the Central Share of Centrally Sponsored Scheme of an amount of Rs. 56.25 lakhs was received by the Judicial Department, Government of Assam on time. State government had neither released the central share nor contributed their share and no Budget has been released by the State Government to the High Court. The officials of the Guahati High Court also informed that they had not received any funds from the state government for the implementation of the scheme.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Assam

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	56.25	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	NA	NA	NA	NA	NA	NA	NA
Funds Received by High Court	NA	NA	NA	NA	NA	NA	NA

4.3.5.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The officials of the Guwahati High Court informed that Fast Track Special Courts including exclusive POCSO courts were setup and operationalized vide notification dated 2.1.2020. There was no input on delay in the setting up and operationalisation of FTSCs including exclusive POCSO courts from the high court after receipt of the Central notification, however the courts were operationalized in January 2020. According to the High Court, no constraints had been faced in setting up and operationalisation of FTSCs including exclusive POCSO courts

4.3.5.5 Monitoring and Delivery Mechanism

High Court Registrar General informed that there is a monitoring committee formed at the High Court level where in the proceedings of the Status of the ongoing and pending cases are shared. But no such committee exists in the local level. The status of the pending and ongoing cases are being sent to the high court on regular basis. But quarterly monitoring is not carried out and no procedure has been adopted for selection and appointment of the 1 Presiding Officer and 7 staff members. Four Senior Judges are Members of Monitoring Committee.

4.3.5.6. PRESIDING OFFICER/ JUDGES OF GAUHATI HIGH COURT

4.3.5.6.1. NAGAON (E POCSO COURT)

a. **Details of the Court:** Special Judge Court of Additional District & Session Judge Nagaon

b. **Details of Start of the Court :** Operationalised 2.1.2020 and Functioning 7.2.2020

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	No fund received from state govt. yet		

d. **Number of cases handled by Exclusive POCSO Courts**

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	194	328
Number of Cases Transferred (Nos.)	80	129 (transferred) 32 (New Registered)
Number of Cases Taken up (Nos.)	194	328
Number of Cases Disposed (Nos.)	27	7

e. No Budget has been released till date to Court by High Court for Setting up & Operationalising Exclusive POCSO Court.

4.3.5.6.2. BAKSA (E POCSO COURT)**a. Details of the Court:** 1st Additional District and Sessions court, BAKSA**b. Details of Start of the Court:** 2.1.2020**c. Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	No budget released from Govt		

d. Details of number of cases handled by Exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	141	152	
Number of Cases Transferred (Nos.)	11	8	
Number of Cases Taken up (Nos.)	152	160	Could not take up cases due to Pandemic
Number of Cases Disposed (Nos.)	9	3	Disposal Affected due to pandemic

e. No Budget has been released till date to Court by High Court for Setting up & Operationalising Exclusive POCSO Court.

4.3.5.6.3. KOKRAJHAR (E POCSO COURT)**a. Details of the Court:** Additional Session Judge cum special judge court, Kokrajhar**b. Details of Start of the Court:** Jan 2020**c. Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	No money released by govt till date		

d. Number of cases handled by Exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	13	33
Number of Cases Transferred (Nos.)	39	82
Number of Cases Taken up (Nos.)	52	105
Number of Cases Disposed (Nos.)	17	11

e.No Budget has been released till date to Court by High Court for Setting up &Operationalising Exclusive POCSO Court.

4.3.5.6.4. CACHAR (E POCSO COURT)

a. **Details of the Court:** Additional Session Judge cum special judge court, Cachar

b. **Details of Start of the Court:** 26.2.2020

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	No money released by govt till date		

d.Number of cases handled by Exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	245	-
Number of Cases Transferred (Nos.)	-	255	-
Number of Cases Taken up (Nos.)	-	219	-
Number of Cases Disposed (Nos.)	-	10	Due to currentPandemic no Hearing matters could be taken up

e. No Budget has been released till date to Court by High Court for Setting up &Operationalising Exclusive POCSO Court.

4.3.5.6.5. SONITPUR (E POCSO COURT)

a. **Details of the Court:** Additional Session Judge cum special judge court, Sonitpur, Tezpur

b. **Details of Start of the Court:** 2.1.2020

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	No money released by govt till date		

d. Number of cases handled by Exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	-
Number of Cases Transferred (Nos.)	-	101	-
Number of Cases Taken up (Nos.)	-	101	-
Number of Cases Disposed (Nos.)	-	21	Due to current Pandemic no Hearing matters could be taken up

e. No Budget has been released till date to Court by High Court for Setting up & Operationalising Exclusive POCSO Court.

4.3.5.6.6. NALBARI (E POCSO COURT)

a. **Details of the Court:** Additional Session Judge cum special judge court, Nalbari, Assam

b. **Details of Start of the Court:** 7.3.2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	No money released by govt till date		

d. Number of cases handled by Exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	-
Number of Cases Transferred (Nos.)	-	109	-
Number of Cases Taken up (Nos.)	-	108	-
Number of Cases Disposed (Nos.)	-	09	Due to current Pandemic no Hearing matters could be taken up

e. No Budget has been released till date to Court by High Court for Setting up & Operationalising Exclusive POCSO Court.

4.3.5.6.7. FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS

The scheme is being implemented by the state government through the Gauhati High Court. There has been some delay in making the courts fully functional. The order received from the high court is dated 2.1.2020

No specific rules has been formed by the state government for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country.

There is a monitoring committee formed at the High Court level where in the proceedings of the Status of the ongoing and pending cases are shared. But no such committee exists in the local level. The status of the pending and ongoing cases are being sent to the high court on regular basis

Almost all the presiding officers with whom the NPC team interacted have expressed that the current allocation of 7 manpower is not adequate. Further in the absence of proper recruitment guidelines, it becomes difficult to recruit the adequate manpower. In some cases the number of manpower provided are even less than 7(seven).

The special Judge of Excl POCSO, Nagaon has been given an additional responsibility of another court at Hojai due to non-availability of manpower

At present the existing infrastructure of the Additional District & Session Judge is being utilized in the Excl POCSO Courts. Almost all the presiding officers have expressed additional infrastructure exclusively for the POCSO courts

Following the setting up of the Excl POCSO courts, all registrations of new cases are also dealt with by the respective courts only. Almost all the Excl POCSO courts started functioning only from Feb 2020. Thereafter due to lockdown imposed from March has affected the normal functioning of the Courts.

4.3.5.7. LAWYER/ ADVOCATE OF GAUHATI HIGH COURT

A total of 13 lawyers had been contacted and their inputs have been recorded over phone / email etc. The breakup is as follows

- a) Nalbari : 1
- b) Nagaon : 1
- c) Baksa : 4
- d) Sonitpur : 1
- e) Kokrajhar: 5
- f) Cachar:1

During discussion with the lawyers it could be gathered that there has been a positive impact in terms of the total time required to dispose a case. In one particular instance as cited by the public Prosecutor at Nagaon, the case was disposed off within 114 days. As per the Lawyers all the cases handled by them in FTSCs are POCSO cases.

According to lawyers the average time taken for the final judgment varies from 30 to 180 days depending on the complexity of the case.

The lawyers reported that the introduction of the scheme has indeed paved the way towards speedy disposal of pending cases. Since lockdown was imposed soon after the courts had started functioning, most of the courts have not been able to undertake hearings of the pending cases.

4.3.5.8. LITIGANTS/ WITNESS OF GAUHATI HIGH COURT

Total 7 litigant / witness have been covered during the study in the State of Assam. The litigants were not having any knowledge of the specific scheme details however they were aware that this court was exclusively set up for handling POCSO cases. They have appreciated the move of the government for fast disposal of the pending cases and expressed their faith in the Judicial system and were hopeful that justice will be delivered.

4.3.5.9. Overall Assessment of the impact and Operation of the scheme in Assam

- i. According to the discussion held with Presiding Officers and Lawyers there was shortage of manpower.
- ii. According to the Presiding Officers they need Infrastructure exclusive for the court and Lawyers require more almirahs, video recording and display facilities to record victim's testimonials required.
- iii. During the discussion held with the stakeholders viz. Presiding Officers, Lawyers and Litigants/Witness all three stakeholders reported that there is positive impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism

4.3.5.9.1. Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts

According to the Registrar General of the High Court there is non availability of the suitable infrastructure.

According to the Presiding Officers there is non availability of infrastructure, shortage of manpower and Adequate training among judges/ lawyers / police and staff to handle POCSO matters

4.3.5.9.2. Additional support measures urgently required from Central Government.

According to the Presiding Officers and Lawyers the additional support urgently required from Central Government in the setting up and operationalising the FTSCs including exclusive POCSO courts in the state are given below:

Presiding Officers/Judges

- One special Public prosecutor not sufficient. At least two required
- The audio-visual room should be attached with the court room. There must be exclusive entrance for the victims to the vulnerable witness corner
- The victims and witness should be paid their reasonable diet money on the day of their attendance in court
- The state govt should activate support persons role by framing a charter of their duties
- Creation of child friendly atmosphere / infrastructure

- Training to Public prosecutors, defense counsels, officers , staff, police on handling of POCSO cases
- Witness deposition facility, counsellors, support persons, steno etc.

Lawyers

- Child Welfare committee may be involved more sincerely to keep constant contact with the victims
- Investigation at the PS campus should be conducted by a women police officer who is well acquainted with handling POCSO cases
- During the trial when testimonies of the witness / accused / victims are recorded, the same should be displayed in the court room to the legal counsels of both the parties so that cross examination can be done properly and there is no prejudice in the mind of the accused and witness.
- Proper infrastructure for recording, deposition and evidence is required

4.3.5.9.3. Modifications proposed in the scheme.

The registrar general of High Court stated the scheme may be extended from the given time frame i.e. 2020-21.

4.3.5.9.4. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE.

The suggestions for making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases by Presiding Officers and Lawyers are given below:

Presiding Officers/Judges

- Urgent need to create more courts to dispose the pending cases quickly
- Urgent need of proper training to Judges, Lawyers, public prosecutors, police etc.
- Special cell of trained police personnel preferably senior women officers to handle POCSO cases
- Proper liasoning among the police and court is a must to ensure timely delivery of summons, investigation by police to detect false cases at the very beginning
- Creation of child friendly atmosphere at the court premises.
- Possibilities of looking into the amendment of specific requirement of dress code for the judges , counsels etc so as to make the victim more relaxed and support the child friendly atmosphere

Lawyers

- Administrative support required for Public prosecutor
- Training to public prosecutor
- Provision of support person is a must
- Allowances for victims and witness for arranging their stay and food etc if necessary

4.3.5.9.5. Inputs about the adequate manpower have been provided for the court.

According to the Presiding Officers there is a shortage of specific manpower and no guidelines on the recruitment process, no guidelines on the designation wise manpower, cadre review required and creation of specific cadre for public prosecutor is not there so the guidelines for them may be provided so the manpower may be hired accordingly.

According to Lawyers no administrative support is provided to the Public prosecutors for instance for writing of summons etc.

4.3.5.9.6. Suggestions for making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases

According to the Presiding Officers and Lawyers the suggestions for making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases are given below:

- Strict vigilance mechanism on investigation process required
- Training of all stakeholders
- More awareness among the common public
- The special courts should have their own VC facilities
- Proper liaisoning with the police department is a must. Monitoring mechanism must be in place to ensure timely delivery of summons. These may be done through a monthly meeting with the DC /SP to discuss the priorities and the gaps in the cases under trial
- For long pending cases, the court should not be adjourned for a long duration (for eg. More than 10 days)
- Fixation of next hearing date should be within 10 days

4.3.5.9.7. Observations of the NPC Study team

The NPC team had a detailed discussion with the officials from govt, High Court, District and sessions Judge, Presiding officers, Lawyers and other staffs. Following are the observations from the discussions.

- ❖ During discussion, it could be gathered that the implementation of the scheme was delayed on the field by approximately 5 to 6 months. Some of the challenges faced during this period that was informed during the discussion are given in the following points
- ❖ **Unavailability of suitable infrastructure:** It was informed that the selection of the physical space for setting up the courts was very challenging as the specific minimum requirements of a court was difficult to meet. Also the availability of rented building / space was difficult in the districts where the courts were to be set up
- ❖ **Manpower Shortage:** Involving specific manpower for running the court is a major challenge. As informed there seems to be shortage in manpower to handle the already pending cases. Recruiting retired judges as special judge for the POCSO cases was also explored but there seemed to be lack of interest among retired officials to work with

- POCSO cases. As informed during discussion, the retired judges mostly prefer to be part of other courts such as Foreigner's Tribunal etc
- ❖ **Training on POCSO cases:** As could be gathered during discussions, there is no special provision of training for the Judges, legal counsels and other staff to handle POCSO cases. It is opined that a mandatory training / orientation is given to all officials including police personnel handling POCSO cases keeping in mind the serious nature of the case and the vulnerability of the Litigants being children.
 - ❖ **Child friendly atmosphere / infrastructure:** As the cases under trial under POCSO Act involve children it may be beneficial to create a child friendly atmosphere at the court premises to prevent any psychological effect on the children
 - ❖ **Manpower Rationalization:** As all the officials and staff have expressed the shortage of manpower also unavailability of the manpower with specific skills it may be beneficial to conduct a detailed study on manpower rationalization for the Courts
 - ❖ **Development of SOPs:** It is recommended that SOPs may be formulated by the state government to implement the various aspects of the scheme including Manpower recruitment, Procedure to be adopted during trials, counselling etc.
 - ❖ **Awareness:** It is also recommended that concentrated campaigns to sensitize the common public on the FTSCs scheme should be done to create and ensure confidence among the public on the judicial system. This may also help in creating awareness among the people so that any such cases do not go unreported.

4.3.6. STATE: TRIPURA

HIGH COURT: TRIPURA HIGH COURT

4.3.6.1 Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Tripura was to setup 02 Special Fast Track Courts and 01 exclusive POCSO courts in the State. A total of 03 courts in the state were proposed to be setup, considering a total of 410 Cases pending under Rape and POCSO Act as on 31.03.2018 and 407 Cases pending trial under POCSO Act as on 30.06.2019.

Sl.No.	Type of Courts	Location
1.	Fast Track Special Courts (FTSCs) Exclusively handling POCSO (ePOCSO) act cases.	Addl. Sessions Judge, Court No. 3, Agartala, West Tripura
2.	Fast Track Special Courts (FTSCs)	Addl. Sessions Judge, Court No. 5, Agartala, West Tripura
3.	Fast Track Special Courts (FTSCs)	Addl. Sessions Judge, Unakoti, Kailasahar, Tripura

NPC study team has covered a total of 3 FTSCs courts in which 2 are FTSCs and 1 is exclusive POCSO court. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
High Court of Tripura	Tripura	2	1	3	2	2

4.3.6.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

After getting the instruction from the Ministry of Law courts were immediately sanctioned and implemented as per the guidelines of the scheme by the Law Deptt., Govt of Tripura with an allotment or sanctioning of Addl. Sessions Judges as Presiding Officers of the FTSCs and Exclusive POCSO courts for disposal of pending and future cases. A total of 3 courts were sanctioned for the state in which 02 courts were of Special Fast Track Courts and 01 exclusive POCSO courts. At Present all 03 courts has been operationalized and are functional. List of courts is given below in the table:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
1	2	1	2	1	2

* Scheme Guidelines and Tripura High Court

4.3.6.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

During the year 2019-20 the number of cases disposed by the FTSCs including exclusive POCSO courts was only 01 in case of FTSCs and 37 in case of Exclusive POCSO court against the target given to them 52 and 114 respectively. Similarly, during the year 2020-21 (till 31st July 2020) the number of cases disposed by the FTSCs including exclusive POCSO courts are 08 in case of FTSCs and 03 in case of Exclusive POCSO court against the target given to them 133 and 106 respectively. The percent cases disposed by the FTSCs in the year 2019-20 was 1.92% in case of FTSCs and in case of exclusive POCSO court was only 32.45% and in 2020-21 was 6.01% and 2.83% respectively. Details of Target of cases, Number of cases Transferred, Number of cases Taken up and Number of cases Disposed by the FTSCs including exclusive POCSO courts for the year 2019-20 and 2020-21 is given in table below:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Tripura High Court

Particulars	Courts	2019-20	2020-21	Total
-------------	--------	---------	---------	-------

			(till 31.07.2020)	(2019-21)
Target of cases	FTSC (Nos.)	52	133	185
	E POCSO (Nos.)	114	106	220
	Total (Nos)	166	239	405
Number of cases Transferred	FTSC (Nos.)	77	18	95
	E POCSO (Nos.)	29	11	40
	Total (Nos)	106	29	135
Number of cases Taken up	FTSC (Nos.)	77	18	95
	E POCSO (Nos.)	143	117	260
	Total (Nos)	272	222	494
Number of cases Disposed	FTSC (Nos.)	1	8	9
	E POCSO (Nos.)	37	3	40
	Total (Nos)	38	11	49
Percent of Cases Disposed	FTSC (%)	1.92	6.01	7.93
	E POCSO (%)	32.45	2.83	35.28
	Total (%)	22.89	4.6	12.1

Source: State Government and High Court

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Tripura High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	140	112	252
		E POCSO (Nos.)	70	56	126
		Total (Nos)	210	168	378
	Number of cases Disposed	FTSC (Nos.)	1	8	9
		E POCSO (Nos.)	37	3	40
		Total (Nos)	38	11	49
	Percent of cases Disposed (%)	FTSC (Nos.)	0.71	7.14	3.57
		E POCSO (Nos.)	52.86	5.36	31.75
		Total (Nos)	18.1	6.55	12.96
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	52	133	185
		E POCSO (Nos.)	114	106	220
		Total (Nos)	166	239	405
	Number of cases Disposed	FTSC (Nos.)	1	8	9
		E POCSO (Nos.)	37	3	40
		Total (Nos)	38	11	49

	Percent of cases Disposed (%)	FTSC (Nos.)	1.92	6.01	7.93
		E POCSO (Nos.)	32.45	2.83	35.28
		Total (Nos)	22.89	4.6	12.1

According to the guidelines of the scheme it has been shown in the table above that targeted cases during the year 2019-20 was 210 and disposed cases were 38. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 168 and the number of cases disposed were only 11. The percent cases disposed for the year 2020-21 is 7.14 %.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Tripura High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	29404	7479	36883
	FTSCs Cases (No)	261	30	291
	Exclusively POCSO Act cases (Nos.)	143	11	154
Total Number of Cases Disposed	Regular Courts Cases (No)	27311	3859	31170
	FTSCs Cases (No)	171	27	198
	Exclusively POCSO Act cases (Nos.)	34	3	37
Total Number of Cases where conviction took place	Regular Courts Cases (No)	844	136	980
	FTSCs Cases (No)	4	-	4
	Exclusively POCSO Act cases (Nos.)	13	1	14
Percent Conviction to Disposal rate	Regular Courts Cases (%)	3.09	3.52	3.14
	FTSCs Cases (%)	2.34	-	2.02
	Exclusively POCSO Act cases (%)	38.24	33.33	37.84

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 3.09%, 2.34% and 38.24% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 3.52% and 33.33% respectively.

4.3.6.4 Financial Progress against the Target sets

According to the information provided by the Law Department, Government of Tripura, only 0.0045% fund has been utilized to date for the establishment of the FTSCs and Exclusive POCSO courts. The utilized fund was central share and no State share is been provided to the High Court. The respective courts have some basic requirements, that need to be fulfilled immediately subject to the proper and smooth operation of courts. Such as infrastructure, computers, printers, witness protection systems, some dedicated staff.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Tripura

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	101.25	26-09-19	18-10-19	2 Nos.	1 Nos.	18-06-2020	Out of the Budget been released by the GOI, only ₹ 46500/- has been utilized in the FY-2019-20, Balance sum in hand ₹100,78,500/-
State Share Released by State Govt.	-	-	-	-	-	-	-
Funds Received by High Court	101.25	26-09-19	18-10-19	2 Nos.	1 Nos.	18-06-2020	Out of the Budget been released by the GOI, only ₹ 46500/- has been utilized in the FY-2019-20, Balance sum in hand ₹100,78,500/-

4.3.6.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The officials of the Tripura High Court and Government of Tripura informed that Fast Track Special Courts including exclusive POCSO courts were Established and operationalized as per the given target of Central Government. There was no input on delay in the establishment and operationalisation of FTSCs including exclusive POCSO courts from the high court after receipt of the Central notification. The head wise financial details are given in the table below:

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	2014-00-103-91-90-50	0.465 (For FY 2019-20)	NA
2	2014-00-103-91-90-50	11,31,000/-	As per the demand of the FTSCs and exclusive POCSO courts, Agartala and Kailashahar total Rs. 11,31,000/- was released through the LOC fro the year 2020-21. But as per the treasury record no fund utilized by the concerned courts till date.

4.3.6.5. Constraints faced in establishment and operationalisation of FTSCs including exclusive POCSO courts

As reported by the presiding Officers that the pendency of the cases are not on higher side so no major challenges faced in functioning of such court. However, in most of the cases witness including victim and parents of the victim are not appearing on schedule dates and we are facing great hardship in securing their presence in due time which is a great hinderance in completion of trial of such cases within the period as prescribed in the Cr.p.c./POCSO Act and rules made there under. In some of the cases they are failing to locate the parties including the accused and the victim in spite of exhausting coercive measures under Cr.p.c. As per the lawyers FTSCs / Exclusive POCSO improved our access to justice. Though we are facing a little delay in results due to various circumstantial reasons from the side of Victims, Witnesses, etc. But one thing is that it's a great step towards a new methodology of justice. More specific rules should also be formed under Cr.p.c and Investigation agencies must be accountable to the courts to provide and quick and accurate investigation reports.

4.3.6.6. Monitoring and Delivery Mechanism

According to the Registrar of High Court of Tripura Hon'ble High Court vide letter dated 21.12.2019, has directed the Fast Track Special Courts and Exclusive POCSO courts to provide data regarding disposal and pendency of cases on monthly basis. Thus, it can be said that there is a monitoring on monthly basis. The average time taken for the delivery of judgment varies from 180 days to 300 days, all depends on the availability of witnesses, victim trials, IAs investigation reports. As per the litigants Speedy disposal is inevitable, on due to some forensic reports and shreds of evidence, things sometimes get late or else decision is fast.

4.3.6.7. PRESIDING OFFICER/ JUDGES OF TRIPURA HIGH COURT

4.3.6.7.1. WEST TRIPURA AGARTALA (FTSCS)

- a. **Details of the Court:** Addl. District & Sessions Judge (FTSC) Court No. 5, West Tripura Agartala
- b. **Details of Start of the Court:** 24-09-2019
- c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	All details are mentioned above, No information is available with West Tripura Agartala court.	NA	NA

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	52	87
Number of Cases Transferred (Nos.)	36	01
Number of Cases Taken up (Nos.)	88	88
Number of Cases Disposed (Nos.)	1	1

e. Budget Released to Court by High Court

Details not Provided

4.3.6.7.2. UNOKOTI DISTRICT KAILASAHAR (FTSC)a. **Details of the Court:** Addl. District & Sessions Judge (FTSC), Unokoti District Kailasaharb. **Details of Start of the Court:** 07-11-2019**c. Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	Details of this section are with Tripura High Court and respective details were also mentioned above.		NA

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	00	46
Number of Cases Transferred (Nos.)	00	00
Number of Cases Taken up (Nos.)	41 (received by transfer)	17 (received by transfer)
Number of Cases Disposed (Nos.)	00	07

e. Budget Released to Court by High Court

Details not Provided.

4.3.6.7.3. WEST TRIPURA AGARTALA (E POCSO)

- a. **Details of the Court:** Addl. District & Sessions Judge (FTSC) Court No. 5, West Tripura Agartala
 b. **Details of Start of the Court: 16-09-2019**
 c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	Details of this section are with Tripura High Court and respective details were also mentioned above.		NA

- d. **Number of cases handled by exclusive POCSO Courts**

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	114	106
Number of Cases Transferred (Nos.)	29	11
Number of Cases Taken up (Nos.)	143	117
Number of Cases Disposed (Nos.)	Disposed of: 34 Transferred: 03 Total of 37	3

- e. **Budget Released to Court by High Court.**

Details not Provided.

4.3.6.7.4 FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS

According to Presiding officers the scheme has positive impact. Despite every impact, there is always some hurdles on the way. This includes socio, political impacts, lack of proper support from the Investigation agencies as many a time the respective victims and parents of the victim don't appear on time, causing trials to extend for more time even though a lot of measures were followed under Cr.p.c/POCSO Act and rules there under. As per the Presiding officers' survey and reports, the investigation agencies need to handle the cases, victims, witness more delicately and importance must be given for fast disposal of cases.

Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018

At the time of discussion with the presiding officers they told that the pendency of cases is low in the State. Government may formulate special rules and special guidelines must be given to the

Investigation agencies (IA) to act more promptly as stakeholders are dependent on IA's reports for fast disposal of cases.

Status of implementation of the Scheme by the State Government.

As per the data provided by the Law Department Govt. of Tripura, the Scheme was implemented properly as per the compliance of the direction of Hon'ble Supreme Court for fast disposal of cases. The only conditional and problem that has been faced by the decision-makers is a shortage of staff members and proper infrastructure. As whole things are running but needs a proper structural boost in conjunction with many things.

Adequacy of Manpower

According to Presiding officers are facing the problem of non-availability of adequate staff members to handle the cases, as respective departments only designated the presiding officers as per the compliance of Hon'ble Supreme Court. The respective courts need some more staff members for the job.

Availability of infrastructure with the Court for keeping Records, Photocopy, Computer, etc.

As per observation and on discussion with each of the Presiding Officers, The Addl. District Session Judge, Unakoti, Kailashar, Tripura, Court designated for FTSC lacks infrastructure developments, as no new infrastructure has been made and work done is, the designation of building for the scheme implementation. They need a boost up a mechanism to formulate or structure up their work.

4.3.6.8. LAWYER/ ADVOCATE OF TRIPURA HIGH COURT

According to Lawyers the only thing required more prompt work by the agencies associated with investigation, protection of victims and witnesses related to the case, and good record maintaining staff and method to avoid multiple trial dates.

Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018

No specific rules have been formulated by the State Government, though it is the need of the hour to do such, to fast disposal of cases.

Average days taken from the start of the filing of case to the judgment delivery.

Average days taken from the start of the filing of the case to the judgment delivery various from 180 days to 300 days, all depends on the availability of witnesses, victim trials, IAs investigation reports.

Assessment of Operation of the FTSCs/ exclusive POCSO courts on improved access to justice

FTSCs / Exclusive POCSO improved our access to justice. Though they are facing a little delay in results due to various circumstantial reasons from the side of Victims, Witnesses, etc. But one thing is that it's a great step towards a new methodology of justice. More specific rules should also be formed under Cr.p.c and Investigation agencies must be accountable to the courts to provide and quick and accurate investigation reports.

4.3.6.9. LITIGANTS/ WITNESS OF TRIPURA HIGH COURT

Total 2 number of Litigants/Witness and according to them Speedy disposal is inevitable, on due to some forensic reports and shreds of evidence, things sometimes get late or else decision is fast.

4.3.6.10. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN TRIPURA

According State Law Secretary, Government of Tripura the things are moving on and the pendency of cases is getting reduced. According to Registrar General, High Court of Tripura there is a decline in new registration of cases, pendency of cases in Sessions & District Courts

As discussed with the Presiding Officers the pendency of cases are less in the State, due to scheme things are moving but more fast delivery of judgment could be made depending on due time submission of reports and availability of witnesses. According to the Lawyers and Litigants the scheme has positive impact.

4.3.6.11 Major problems/Challenges faced in operationalizing FTSCs including exclusive POCSO courts

As per the Law Secretary and Registrar General High Court there was no major challenges faced in FTSCs including exclusive POCSO courts.

According to Presiding Officers/Judges in most cases, victims and parents of victims are not appearing on scheduled dates thereby getting hindrances in the completion of trials within the prescribed period. Even in some cases, they failing to locate the parties including the accused and victim despite exhausting coercive measures under CR.P.C.

4.3.6.12 Additional support measures urgently required from Central Government.

Stakeholder wise the additional support measures urgently required from Central Government in setting up and operationalizing the FTSCs including exclusive POCSO courts in the state are given below:

High Court- as per the Registrar of High Court the pendency of cases are not on higher side in the state of Tripura , no additional support/measures are required at this stage, if pendency increases rapidly in near future , additional support namely posting of more staff members and official instruments like computers, printers, etc. and furniture may be required. Timely attendance of parties including witnesses and accused on schedule dates would be more effective for speedy disposal.

Presiding Officers/Judges: Rules must be formulated to make Investigation agencies accountable to the court.

Lawyers: Framing of rules by Hon'ble Supreme Court for the protection of victim and witness and separate counseling mechanism in the court.

Litigants/ Witness: Security of victims and witnesses.

4.3.6.13 Adequacy of Manpower.

According to the Registrar of High Court they have sufficient manpower and don't require additional manpower now. If number of cases increases or pendency of cases increase, may be needed on consultation.

4.3.6.14 Suggestions for making the scheme more effective.

According to the Registrar General High Court the Investigation agencies who are dealing with the POCSO cases may be exempted from performing law and order and other duties, as concerned investigation of the subject is more important and required earlier for quick disposal of cases.

As per the discussion held with Lawyers the investigation agencies should be more prompt and responsible for these kinds of cases and the tendency for earlier judgment should be there.

4.3.7 STATE: HIMACHAL PRADESH

HIGH COURT: HIGH COURT OF HIMACHAL PRADESH, SHIMLA

4.3.7.1 Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Himachal Pradesh was to setup 03 Special Fast Track Courts and 03 exclusive POCSO courts in the State. A total of 06 courts in the state were proposed to be setup, considering a total of 889 Cases pending under Rape and POCSO Act as on 31.03.2018 and 733 Cases pending trial under POCSO Act as on 30.06.2019.

List of E POCSO Courts set up and functional in the state are as given below:

S.No.	District	Presiding Officer
1.	Dharamshala	Addl District and Sessions Judge
2.	Mandi	Addl District and Sessions Judge
3.	Solan	Addl District and Sessions Judge

NPC study team has covered a total of 3 Exclusive POCSO Courts. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
High Court of Himachal Pradesh	Himachal Pradesh	3	3	3	2	2

4.3.7.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

As informed by Register General of High Court, the state government vide notifications dated 24.09.19, 27.09.19 has setup 3 FTSCs of Additional District Sessions Judge for a period of 1 year under POCSO Act & POCSO courts at Mandi, Kangra at Dharamshala & Solan have started functioning. However vide notification dated 27.05.2020, 3 FTSCs at Shimla, Kinnaur at Rampur

&Nahan at Sirmour have been created by State Government subject to the condition that only retired staff will be engaged & thus matter is taking considerable time. Moreover, in all notifications 7 staff members viz. 1 reader, 1 stenographer, 1 judgement writer, 2 clerks & 2 class IV have also been provided on contract basis. It was informed by the High court that due to the pandemic scenario, it is very difficult to arrange the staff on contract basis as this involves financial as well as administrative implications.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
03	03	03	-	03	-

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
03	03	03	-	03	-

Source: High Court

4.3.7.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is yet to be completed. A total of 03 Exclusive POCSO courts have been setup and 03 FTSCs have to be setup by them. The year wise details of the cases as reported by the High Court of Himachal Pradesh are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Himachal Pradesh

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	NA	NA
	Total (Nos)	NA	NA	NA
Number of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	395	395

Transferred	Total (Nos)	0	395	395
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	385	385
	Total (Nos)	0	385	385
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	125	125
	Total (Nos)	0	125	125
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	0	NA	NA
	Total (%)	NA	NA	NA

*Source: High Court

As shown in the table above, during the year 2019-20 no court was setup by the High Court and 2020-21 (till 31st July 2020) the number of cases disposed was 125.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Himachal Pradesh

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	210	168	378
		E POCSO (Nos.)	210	168	378
		Total (Nos)	420	336	756
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	125	125
		Total (Nos)	0	125	125
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	74.4	33.07
		Total (Nos)	0	37.2	16.53
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	NA	NA
		Total (Nos)	0	NA	NA
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	125	125
		Total (Nos)	0	125	125
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	NA	NA
		Total (Nos)	0	NA	NA

As shown in the table above that targeted cases during the 2019-20 the number of cases targeted was 420 but the number of cases disposed off was zero because no court was setup in the year 2019-20. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 336 and the number of cases disposed were only 125. The percent cases disposed for the year 2020-21 is 37.20%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Himachal Pradesh

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	8036	1731	9767
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	590	120	710
Total Number of Cases Disposed	Regular Courts Cases (No)	5894	723	6617
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	197	4	201
Total Number of Cases where conviction took place	Regular Courts Cases (No)	223	12	235
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	67	3	70
Percent Conviction to Disposal rate	Regular Courts Cases (%)	3.78	1.66	3.55
	FTSCs Cases (%)	-	-	-
	Exclusively POCSO Act cases (%)	34.01	75.00	34.83

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 3.78% and 34.01% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 1.66% and 75.00% respectively.

4.3.7.4 Financial Progress against the Target sets

According to High Court an amount of Rs. 102.83 lakhs on 24.04.2020 from the state Government had been received and 03 exclusive POCSO courts were setup and were found to be functional at the time of visit. The details of funds received by the High Court are given in the table below:

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Himachal Pradesh

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	16.87 & 84.37*	-	-	-	-	-	-
State Share Released by State Govt.	-	-	-	-	-	-	-
Funds Received by High Court	102.83	23.04.2020	24.04.2020	-	3	NA	The UCs are generally submitted at the end of financial year whereas funds for FTSCs are provided only in the beginning of current fiscal year

*Rs.16.87 lakhs & Rs. 84.37 lakhs released by Department of Justice to the State Government for 6 FTSCs and 3 EPOCSO Courts

4.3.7.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

According to High Court the average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts is given below:

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	2014-00-105-07-C90N-V	NA	The data regarding per year expenditure is not available as yet because the funds with regard to FTSCs have been received during this financial year itself
2	2014-00-105-07-S10N-V	NA	

4.3.7.5. Monitoring and Delivery Mechanism

High court informed that a quarterly monitoring is being undertaken on operation and cases handled by FTSCs including exclusive POCSO courts. In so far as the latest available monitoring report is concerned a statement showing institution disposal and pendency for the quarter commencing w.e.f 1.3.2020 to 31.5.2020 has been prepared. Further time and time again instructions have been issued to all District/Addl District & Sessions Judges for expeditious disposal of cases under POCSO act as per mandate of law and at the same time take effective steps to compel appearance of witnesses so as to ensure that trials are concluded at the earliest in accordance with law. In compliance of the directions of Hon'ble Supreme Court of India in writ petition(civil) No 76 of 2018 titled Alakh Alok Srivastava Vs Union of India, the then Hon'ble Acting Chief Justice constituted a committee comprising of

Hon'ble Mr Justice Ajay Mohan Goel, Hon'ble Mr Justice Sandeep Sharma and Hon'ble Mr Justice Chander Bhushan Barowalia to regulate and monitor the progress of trials under Protection of Children from Sexual Offences(POCSO) act 2012.

4.3.7.6. PRESIDING OFFICER/ JUDGES OF HIGH COURT OF HIMACHAL PRADESH

4.3.7.6.1. DHARAMSHALA (E POCSO COURT)

- a. **Details of the Court:** Fast Track Special Court, POCSO Court
- b. **Start of the Court:**07.03.2020
- c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Salary	19,92,000/-
2	Motor Vehicle	50,000/-
3	Office Expenses	75,000/-
4	Road & Diet Money	50,000/-
5	Medical reimbursement	20,000/-
6	TA/DA	80,000/-
	Total	22,67,000/-

- d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	-
Number of Cases Transferred (Nos.)	-	162
Number of Cases Taken up (Nos.)	-	57
Number of Cases Disposed (Nos.)	-	78

- e. **Budget Released to Court by High Court**

According to Presiding Officer Rs 12,67,720/- have been released to court by High Court on 24.04.2020 for Establishing & Operationalising FTSC/Exclusive POCSO Court

4.3.7.6.2. MANDI (E POCSO COURT)

- a. **Details of the Court:** Fast Track Special Court
- b. **Details of Start of the Court:**06.03.2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Salaries	8,83,509/-
2	Office Exp	12,217/-
3	M.R.	300/-
4	Motor Vehical	10,040/-
	Total	9,06,066/-

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	-
Number of Cases Transferred (Nos.)	-	157
Number of Cases Taken up (Nos.)	-	182
Number of Cases Disposed (Nos.)	-	44

e. Budget Released to Court by High Court

According to Presiding Officer an amount of Rs 13,69,000/- have been released to court by High Court on 27.04.2020 for Establishing & Operationalising FTSC/Exclusive POCSO Court

4.3.7.6.3. SOLAN (E POCSO COURT)**a. Details of the Court:** Fast Track Special Court**b. Details of Start of the Court:**05.03.2020**c. Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Salary	35,00,000/-
2	TA	50,000/-
3	Office Exp	2,00,000/-
4	M.R.	25,000/-
5	Rent, rate & Taxes	1,60,000/-
6	Motor Vehicle	45,000/-
7	Transfer Expenses	65,000/-
8	R & O.M.	50,000/-
	Total	40,95,000/-

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	-
Number of Cases Transferred (Nos.)	-	76	-
Number of Cases Taken up (Nos.)	-	146	
Number of Cases Disposed (Nos.)	-	03	

e. Budget Released to Court by High Court

According to the Presiding Officers Rs 4,00,000/- have been released to court by High Court on 24.04.2020 for Establishing & Operationalising FTSC/Exclusive POCSO Court.

4.3.7.7 FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS**Specific rules made by State Government/High Court**

As informed by the Presiding Officers as per provision, rules framed in Protection of Children from Sexual Offences Act-2012. No other specific rules have been made by State Govt/High Court.

Quarterly monitoring for cases handled by Fast Track Special Court/ Exclusive POCSO Court.

As informed by the Presiding Officers, Quarterly monitoring is mostly undertaken. The operation or cases handled are monitored by High Court of HP on monthly & quarterly basis.

Infrastructure available with Court for keeping Records, Photocopy, Computer, etc.

According to presiding officers they have adequate infrastructure such as chairs, tables, photocopy etc have not been provided.

4.3.7.8. LAWYER/ ADVOCATE OF HIGH COURT OF HIMACHAL PRADESH

Total 3 Lawyers are covered by the NPC team in the 3 districts viz. Dharamshala, Mandi and Solan of Himachal Pradesh.

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state

According to Lawyers the scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act has been implemented in the state.

Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018

According to the Lawyers As per provision, rules framed in Protection of Children from Sexual Offences Act-2012. No other specific rules have been made by State Govt/High Court.

Average days taken from the start of the filing of case to the judgment delivery.

As informed by the lawyers the average time taken after filling up the charge sheet with concerned court till the judgment is pronounced is around 550 days.

Assessment of Operation of the FTSCs/ exclusive POCSO courts on improved access to justice.

As informed by the Lawyers the operation of FTSCs/exclusive POCSO courts has improved the access to justice and fast delivery.

4.3.7.9. LITIGANTS/ WITNESS OF HIGH COURT OF HIMACHAL PRADESH

Total of 02 Litigants/Witness covered in the study.

4.3.7.9.1 Field Survey Findings: Feedback received from Litigants/ Witness**Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state**

Operation of FTSCs/exclusive POCSO courts has improved access to justice and fast track justice delivery justice. Less time is taken in recording evidence. Cases are disposed of earlier.

4.3.7.10. Overall Assessment of the impact and Operation of the scheme in Himachal Pradesh**Adequacy of manpower in the FTSCs/ exclusive POCSO courts**

According to Presiding officers and lawyers adequate manpower has not been provided. Due to shortage of staff the work of court is not able to function properly. The staff has been attached from other courts also. The lawyers also reported that adequate manpower had not been provided to the FTSCs/ exclusive POCSO courts.

Availability of infrastructure with Court for keeping Records, Photocopy, Computer, etc.

According to both the Presiding officers and Lawyers the required infrastructure is not provided.

4.3.7.11. Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism

The views of High court, Presiding officers, Lawyers and Litigants are given below:

High Court- Registrar General: The impact of operationalisation of FTSCs including exclusive POCSO courts on fast track judicial delivery mechanism has been positive. Only 3 POCSO courts have been established in Kangra, Mandi & Solan districts. The new registration of cases and pendency of cases in Sessions & District courts have declined in the three districts viz. Kangra, Mandi & Solan District.

Presiding Officers/Judges: The impact is positive. New registration of cases, pendency of cases in Sessions and District Courts has declined after the establishment and operationalization of FTSC/Exclusive POCSO Courts.

Lawyers: The cases have been disposed off quickly and delivered speedy justice.

Litigants/ Witness: This has given faster delivery of justice without any delay

4.3.7.12 Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts

Stakeholder wise problems faced by them are given below:

High Court- Registrar General

The state government vide notifications dated 24.09.19, 27.09.19 has setup 3 FTSCs of Additional District Sessions Judge for a period of 1 year under POCSO Act & POCSO courts at Mandi, Kangra at Dharamshala & Solan have started functioning. However vide notification dated 27.05.2020, 3 FTSCs at Shimla, Kinnaur at Rampur & Nahan at Sirmour have been created by govt subject to the condition that only retired staff will be engaged & thus matter is taking considerable time. Moreover, in all notifications 7 staff members in 1 reader, 1 stenographer, 1 judgement writer, 2 clerks & 2 class IV have also been provided on contract basis. It is very difficult pandemic scenario to arrange the staff on contract basis as this involves financial as well as administrative implications.

Presiding Officers/Judges

- The retiree Public Prosecutor may not be appointed & regular Public Prosecutor may be provided for proper administration of justice
- Shortage of staff
- Official vehicle and residence to Presiding Officer is not allotted
- Separate infrastructure is required

4.3.7.13. Additional support measures urgently required from Central Government.

According to Presiding Officers and lawyers additional support required by them is are stated below:

Presiding Officers/Judges

- Proper staff is required
- There is no post of reader & superintendent and driver
- Separate infrastructure is required
- Sitting accommodation for POCSO court, regular staff is required

Lawyers

- Proper staff and equipment are required for proper functioning of court
- There should be female prosecutor as well as other female staff so that prosecutrix feel comfortable environment
- Young, energetic & regular staff is required instead of retirees.

4.3.7.14. MODIFICATIONS PROPOSED IN THE SCHEME.

Stakeholder wise modification required in the scheme are given below:

Presiding Officers/Judges

- Adequate infrastructure is required

- Day to day hearing of case is required
- Experienced & committed Investigating Officers should be appointed to conduct investigation in such cases so as to leave no loopholes in the investigation

Lawyers

- Old cases should be taken up on priority
- Day to day hearing of case is required
- Adequate infrastructure such as proper VC Halls exclusive for POCSO court is required to conclude the cases quickly
- Proper management for presence of witnesses through electronic media as well as police department should be there

Litigants/ Witness

Cases should be solved quickly

4.3.7.15. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE.

Suggestions of Presiding Officers, Lawyers and Litigants are given below:

Presiding Officers/Judges

- Adequate infrastructure is required
- Day to day hearing of case is required
- Experienced & committed Investigating Officers should be appointed to conduct investigation in such cases so as to leave no loopholes in the investigation

Lawyers

- Old cases should be taken up on priority
- Day to day hearing of case is required
- Adequate infrastructure such as proper VC Halls exclusive for POCSO court is required to conclude the cases quickly
- Proper management for presence of witnesses through electronic media as well as police department should be there

Litigants/ Witness

Cases should be solved quickly

4.3.8.STATE: TAMIL NADU

HIGH COURT: MADRAS HIGH COURT

4.3.8.1 Introduction

As informed by Register General of High Court, pursuant to the directions of the Hon'ble Supreme Court of India, in Suo- Motu Writ Petition (Criminal) No.1 of 2019, dated 25.07.2019, that if there are more than 100 cases under the POCSO Act, an exclusive / designated special Court shall be set up, which will try no other offence, except those under POCSO Act, and to start functioning within 60 days from the date of the order, the Government in G.O. (Ms). No. 554, Home (Courts-II) Department dated 18.10.2019 have issued orders for constitution of 16 Special Courts in the cadre of District Judge for exclusive trial of cases under POCSO Act, where more than 100 cases are pending under

the said Act at Chennai, Coimbatore, Cuddalore, Kancheepuram at Chengalpattu, Kanniyakumari at Nagercoil, Madurai, Nagapattinam, Salem, Sivagangai, Thanjavur, Tirunelveli, Tiruvannamalai, Thoothukudi, Vellore, Villupuram and Virudhunagar at Srivilliputhur and the said 16 Special Courts are constituted and started functioning.

Further, the Hon'ble Supreme Court of India in the order dated 16.12.2016, have directed that wherever the pendency is more than 300 POCSO Cases or more, atleast two exclusive POCSO Courts will have to be set up. Also directed that the Courts as per the parameters set out therein are set up and start functioning at the earliest, not later than 28.02.2020.

Based on the above, the High Court has addressed the Government for constitution of 4 more Special Courts in the cadre of District Judge, one each at Dindigul, Dharmapuri, Theni and Tiruvallur Districts where the cases are more than 100; and one more additional Special Court at Tirunelveli, where the cases are more than 300.

Now, the Government in letter no. 7111/Courts-II/2020-2, Home (Court-II) Department, dated 20.07.2020 have informed that the ban order have been issued for creation of new posts in all departments vide G.O. Ms. No. 248, Finance Department, dated 20.05.2020. Hence the proposal has been deferred.

List of exclusive POCSO Courts set up in the state are as given below:

SI.No.	Name of the POCSO Courts	Location of Courts
1	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Chennai
2	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Coimbatore
3	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Cuddalore
4	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Kancheepuram @ Chengalpattu
5	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Kanniyakumari@ Nagercoil
6	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Madurai
7	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Nagapattinam
8	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Salem
9	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Sivagangai
10	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Thanjavur
11	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Thoothukudi
12	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Tirunelveli

13	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Tiruvannamalai
14	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Vellore
15	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Villupuram
16	Sessions Judge, Special Court for exclusive trial of cases under POCSO Act	Virudhunagar

NPC study team has covered a total of 8 FTSCs District Court. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
Madras High Court	Tamil Nadu	7	7	7	4	1

4.3.8.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) For expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Tamil Nadu was to setup 14 exclusive POCSO courts in the State. A total of 14 courts in the state were proposed to be setup, considering a total of 2049 Cases pending under Rape and POCSO Act as on 31.03.2018 and 3827 Cases pending trial under POCSO Act as on 30.06.2019.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
14	0	16	0	16	0

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020
14	0	16	0	16	0

Source: State Government and High Court

4.3.8.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of Exclusive POCSO court is completed them. They have setup 16 Exclusive POCSO courts in the State. The year wise details of the cases as reported by the Madras High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Madras High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	210	1568	1778
	Total (Nos)	210	1568	1778
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	2882	392	3274
	Total (Nos)	2882	392	3274
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	2882	3830	6712
	Total (Nos)	2882	3830	6712
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	26	445	471
	Total (Nos)	26	445	471
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	12.38	28.38	26.49
	Total (%)	12.38	28.38	26.49

Source: State Government and High Court

As shown in the table above, during the year 2019-20 and 2020-21 (till 31st July 2020) the numbers of cases disposed were 26 and 445 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Madras High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	392	1372	1764
		Total (Nos)	392	1372	1764
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	26	445	471
		Total (Nos)	26	445	471

per Scheme Guidelines	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	6.63	32.43	26.7
		Total (Nos)	6.63	32.43	26.7
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	1013	1117	2130
		E POCSO (Nos.)	2843	1028	3871
		Total (Nos)	3856	2145	6001
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	26	445	471
		Total (Nos)	26	445	471
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	12.38	28.38	26.49
		Total (Nos)	0	0	0

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 392 and disposed cases were 26. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 1372 and the number of cases disposed was only 445. The percent cases disposed for the year 2020-21 is 32.43%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Punjab and Haryana High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	939	200	1139
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	3561	135	3696
Total Number of Cases Disposed	Regular Courts Cases (No)	583	63	646
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	239	49	288
Total Number of Cases where conviction took place	Regular Courts Cases (No)	119	12	131
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	34	1	35
Percent Conviction to Disposal rate	Regular Courts Cases (%)	20.41	19.05	20.28
	FTSCs Cases (%)	-	-	-
	Exclusively POCSO Act cases (%)	14.23	2.04	12.15

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 20.41% and 14.23% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 19.05% and 2.04% respectively.

4.3.8.4 Financial Progress against the Target sets

According to High Court they have received the Rs. 545.00 lakhs (contingency fund). High court has setup the 16 exclusive POCSO courts in the states and all are functional at present.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Tamil Nadu

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	315.00	-	2019-20	-	16 (State funds)	-	-
State Share Released by State Govt.	14.75	-	-	-	16	-	-
Funds Received by High Court	545.00 (Contingency Fund)	01.11.2019	15.11.2019	-	16	-	Reply awaiting from accountant general (supplementary figure)

4.3.8.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The average annual expenditure incurred on the operational cost per exclusive POCSO courts are given below:

Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present status and problems, if any)
2014-00-103-AD	472 (from Dec-19 to Mar-20)	

4.3.8.5. Monitoring and Delivery Mechanism

As informed by High Court in pursuance of Order of the Hon'ble Supreme Court of India in Suo-Moto Writ (Crl) No. 1/2019, dated 16.12.2019, the Hon'ble POCSO Committee directed the Presiding Officers/ District Sessions Judges dealing with the POCSO Cases to comply with the directions given in the Circular in Roc.No. 75216-A/2019/POCSO, dated:31.01.2020, for the expeditious disposal of POCSO Act Cases. Further, the Hon'ble POCSO Committee has directed the exclusive POCSO Courts for the expeditious disposal of the POCSO Act Cases. To achieve the target in disposal of Cases as per the Scheme on FTSCs for disposal of 41-42 cases in each Quarter and at least 165 cases in a year attention of the Special Judges was drawn to the judgments of the Supreme Court in Sakiri Vasil 1(2008) 2 SCC 4091 and Subramaniam vs. Janaki /2020 SCC Online SC 3411. for expeditious disposal and directed the Special Judges to monitor the investigation of the

POCSO Act cases closely, after receipt of the FIR from the police to decide Cases which are pending for more than 5 years by giving top priority. The committee members for the implementation of the scheme include a senior judge as Chairman and two other senior judges as members of POCSO Committee.

4.3.8.6. PRESIDING OFFICER/ JUDGES OF MADRAS HIGH COURT

4.3.8.6.1. COIMBATORE (E POCSO COURT)

- a. **Details of the Court:** Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore
- b. **Start of the Court:** 18.12.2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Salary and Non salary	53.17
	Total	53.17

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	-
Number of Cases Transferred (Nos.)	110	-
Number of Cases Taken up (Nos.)	116	51
Number of Cases Disposed (Nos.)	1	27

e. Budget Released to Court by High Court

According to Presiding Officer Rs 34.07 have been released to court by High Court on 19.11.2019 for Establishing & Operationalising FTSC/Exclusive POCSO Court.

4.3.8.6.2. MADURAI (E POCSO COURT)

- a. **Details of the Court:** Special Court for Exclusive Trial of cases under POCSO Court, Combined Court Buildings, Madurai
- b. **Start of the Court:** 25.01.2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	Car	8.50	Utilised
2	Library Books	0.25	Not Utilised
3	Furniture	2.00	Utilised
4	IT products	1.00	Utilised
5.	Laptop	0.60	Not Utilised
6.	Xerox machine and Fax	2.00	Utilised
7.	Permanent Advance	0.001	Not Utilised
8.	Telephones	0.001	Not Utilised
	Total	14.37	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	357	-
Number of Cases Transferred (Nos.)	3	-
Number of Cases Taken up (Nos.)	360	-
Number of Cases Disposed (Nos.)	10	-

e. Budget Released to Court by High Court

According to Presiding Officer Rs 14.37 have been released to court by High Court on 18.10.2019 for Establishing & Operationalising FTSC/Exclusive POCSO Court

4.3.8.6.3. NAGAPATTINAM (E POCSO COURT)

a. Details of the Court: Special Court under POCSO Act, Nagapattinam

b. Start of the Court: 13.12.2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	Salary	62.00	-
2	Non Salary	9.00	-
3	IT Product	1.00	-
	Total	72.00	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	41-42 cases per quarters and atleast 165 cases in a year
Number of Cases Transferred (Nos.)	112	-
Number of Cases Taken up (Nos.)	08	06
Number of Cases Disposed (Nos.)	26	03

e. Budget Released to Court by High Court

According to Presiding Officer Rs 35.00 have been released to court by High Court on 19.11.2019 for Establishing & Operationalising FTSC/Exclusive POCSO Court.

4.3.8.6.4. KANNIYAKUMARI (E POCSO COURT)

a. Details of the Court: Special Court for Exclusive Trial of Cases under POCSO Act

b. Start of the Court: 18.12.2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Salary	90.00
2	Telecharges	0.40
3.	Other Contingencies	0.50
4.	Service Postage	0.1
5.	M.V.M	0.50
6.	POL	1.6
7.	Comp Stationery	0.50
	Total	93.60

d. Number of cases handled by FTSCs including exclusive POCSO Courts.

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	-
Number of Cases Transferred (Nos.)	207	-
Number of Cases Taken up (Nos.)	24	2
Number of Cases Disposed (Nos.)	11	-

e. Budget Released to Court by High Court

According to Presiding Officer Rs 15.00 have been released to court by High Court on 29.11.2019 for Establishing & Operationalising FTSC/Exclusive POCSO Court.

4.3.8.6.5. VELLORE (E POCSO COURT)

a. **Details of the Court:** Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Vellore

b. **Start of the Court:** 27.12.2019

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Pay	10.38
2	MA	0.11
3.	OA	0.37
4.	IR	0.38
5.	HRA	0.41
6.	DA	3.63
7.	Tour TA	0.06
8.	FTA	0.0008
9.	Telephone Charges	0.24
10.	Other Contingent	0.14
11.	Electricity Charges	0.002
12.	Services Postage	0.05
13.	Furniture	2.00
14.	Sump. Allowance	0.06
15.	M& E Purchase	1.88
16.	M.V Purchase	8.08
17.	Computer purchase	0.95
18.	Computer Stationary	0.10
	Total	28.71

d. details of number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	136
Number of Cases Transferred (Nos.)	119	-
Number of Cases Taken up (Nos.)	47	-
Number of Cases Disposed (Nos.)	30	1

e. Budget Released to Court by High Court

According to Presiding Officer Rs 34.07 have been released to court by High Court on 19.11.2019 for Establishing & Operationalising FTSC/Exclusive POCSO Court.

4.3.8.6.6. SIVAGANGAI (E POCSO COURT)

a. **Details of the Court:** Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Sivagangai

b. **Start of the Court:** 16.12.2019

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Car	8.5
2	Library Book	0.25
3.	Furniture	2.00
4.	IT Products	1.00
5.	Laptop with latest configuration and Laser Printing	0.60
6.	Xerox Machine and FAX Machine	2.00
7.	Permanent Advance	0.01
8.	Telephone	0.01
	Total	14.37

d. Details of number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	130	-
Number of Cases Transferred (Nos.)	130	-
Number of Cases Taken up (Nos.)	-	17
Number of Cases Disposed (Nos.)	-	6

e. Budget Released to Court by High Court

According to Presiding Officer Rs 14.37 have been released to court by High Court on 18.10.2019 for Establishing & Operationalising FTSC/Exclusive POCSO Court.

4.3.8.6.7. TUTICORIN (EXCLUSIVE POCSO COURT)

a. Details of the Court: Special Court for Exclusive Trial of Cases under POCSO Act, Tuticorin

b. Start of the Court: 15.12.2019

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Salary	129.36
2	Non Salary	12.98
	Total	142.34

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years	
	2019-20	2020-21 (till 31 st July 2020)
Cases at FTSC / Exclusive POCSO Court		
Target of cases given (Nos.)	-	-
Number of Cases Transferred (Nos.)	243	-
Number of Cases Taken up (Nos.)	32	6
Number of Cases Disposed (Nos.)	12	3

e. Budget Released to Court by High Court

According to Presiding Officer Rs 126.10 have been released to court by High Court on 09.04.2020 for Establishing & Operationalising FTSC/Exclusive POCSO Court.

4.3.8.7.FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS**Adequacy of Manpower**

According to Presiding Officers, Additional Staff in the posts of Chief Administrative Officer Grade I Bench Clerk, Translator, Two more Junior Assistants Four more Typists, One more Office Assistant, Copyist Superintendent, Examiner, Reader and One Copyist may be provided.

Major problems/Challenges faced

As informed by the Presiding Officers the major problems faced by them are Non-Cooperation of Police, Lack of place in Courts The police are over burdened whenever the case is posted for trial and

summons are issued to the witnesses, the Police fail to produce them before Court as they are made to attend sudden bandobust duty. Most of the victims mostly girls appear to be within the age group of 15 to 18 years and are love affair cases and they turn hostiles in view of which lot of time is wasted. Another major problem is about safety of witnesses and their family members who face danger at different stages. There is chances are often threaten and the seriousness of the threat depends upon the type of the case and the background of the accused and his family. Further there is possible situations many times crucial witnesses are afraid prior to their testifying in the court and outside the court, after deposing their evidence. Sometimes the parties are settled their issues amicably out side the court before commencing the trial in the court. Due to that reason, the witnesses are turned hostile in their own case particularly the Victim child and their parents.

Suggestions for making the scheme more effective.

According to the Presiding Officers, the cases under POCSO Act, Regarding DNA Test, laboratory facilities are not available in all significant places and for DNA Test and samples have to be sent to major cities and that involves lot of protocols as well as time consuming. The state shall take steps for sensitization of the officials associated with the probe and create dedicated service on the Investigation of the cases on Top priority and additional force for Investigation. There is compelling need to establish a criminal injuries compensation board to provide instantaneous and expeditious monetary relief to rape victims. There is need adequate facility for storage of samples at Forensic Science Laboratory in every district headquarters for sent samples immediately for test. As such, the above forensic laboratory facilities has to be installed in their respective areas for getting test reports quicker

Modifications proposed in the scheme.

As informed by the Presiding Officer, the Honorable Apex court ensure that all cases pertaining to sexual offences against children are fast-tracked so that trials are completed within six months. It also said that investigations of pending cases should be completed within two months of a first information report being registered. The High Court ensured that the cases registered under the POCSO Act are tried and should be disposed of by the Special Courts and the concerned presiding officer of the said courts due to it's sensitivity in the matters of child protection. The instructions issued to the Special Courts are, speedy disposal of POCSO act matters by not granting any unnecessary adjournments and to follow the procedures for giving medical examination to the victim child under Section 19(5),19(6), Section 27 under the POCSO Act and the medical examination shall be conducted in accordance with Section 164-A of Criminal Procedure Code,1973 and thus complete the trial within a stipulated time framed under section 35 of the Act, 2012. Further, Section 33(8) of Pocso Act, provides that in appropriate cases in addition to punishment, the Special court may direct payment of compensation to the Victim child for any Physical/mental trauma caused to the child or for immediate rehabilitation and it is dedicated Rule 7 to the procedure and parameters of providing such compensation(Refer:NipunSexena&Anr /vs/ Union of India) and on March 2020, the new Pocso Rules 2020 came into effect.

Additional support measures urgently required.

According to the Presiding Officers, it is necessary to equip the investigation team handling investigation related to the offense against child victim because the police officials are not trained to

use of computers and lack of necessary knowledge in both scientifically and technical methods. It is suggested that , need training to the Police officials who are handling the cases under POCSO Act, to make proper investigation without any loopholes and without causing delay and filing final report of the case.

4.3.8.8. LAWYER/ ADVOCATE OF MADRAS HIGH COURT

Total 04 Lawyers are covered by the NPC team in the 04 districts each viz. Coimbatore, Madurai, Nagapattinam and Vellore of Tamil Nadu State.

Adequacy of Manpower

According to Lawyers additional experienced manpower may be provided by the Government.

Suggestions for making the scheme more effective.

Suggestions given by the Lawyers are given below:

- A separate Police wing to be constituted.
- POCSO Court not to be kept vacant
- Senior Judicial officers to be appointed as POCSO court Judge.
- Trained Special Public Prosecutor to be appointed.
- Trained and Experienced staff members to be appointed.
- Special Police team to be formed for investigation and conduct of POCSO Cases.

4.3.8.9. LITIGANTS/WITNESS OF MADRAS HIGH COURT

According to Litigants/Witness a separate Police wing to be constituted with regard to the POCSO Act Cases and the presiding officer must be a female.

4.3.8.10. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN TAMIL NADU

According to High Court there was a positive impact of the scheme because of the time available for the special court judges to focus exclusively on POCSO cases. But it is somewhat early to assess the impact with regard to the reduction in the number of pending cases and the newly registered cases. Due to the formation of the exclusive courts, there is a positive impact on the sensitivity and accountability of the stake holders. In view of that, the pending charge sheets are started to be filed in the courts and they are being taken on file. So the pendency figure may shown an upward trend only. Since the awareness makes the victim /victim family/friend dare to come forward to register the cases, the number of new cases will also show an upward trend. So the positive impact as of now will be more on the qualitative side than on the quantitative side, despite there are more disposals.

4.3.8.11. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCS INCLUDING EXCLUSIVE POCSO COURTS

As informed by the High Court there was a challenge of implementation, monitoring and evaluation due to non-recruitment of the Judicial Officials and COVID 19 Pandemic.

According to High Court the POCSO Act defines child as a person below 18 years of age. Nearly one third of cases filed under the POCSO Act are cases arising out of love affair. The children above 15 and below 18 knowingly get into relationship with their lovers with an idea to form a life with them. When the parents oppose, they get out of the house and join with the lovers and thereafter sexual offences take place. The victims also tend to believe that once they get physically committed, their parents will agree for their marriage. After the case is filed, some parents arrive at a compromise and agree to marry the victim to the accused himself after she attains the qualifying age for marriage. Mostly the victims of these cases are girls. Since they continue to love the accused, during the trial they turn hostile and do not support the prosecution. Many accused in these type cases are also very young and in case the victim supports the prosecution, such young boys get severe punishments like 20 years R. I. Since the Act prescribes mandatory minimum sentence, the court do not have much say in the area of sentencing.

Since POCSO cases arising out of love affairs increase the load of the court, it is difficult to devote early attention to other type of POCSO cases. In fact those are the cases in which the victims children will be below 12 or 15 years. Hence they deserve the early attention of the court. But due to the above said situation, the courts can not get sufficient time to give such early attention. Lack of special knowledge that is needed to handle POCSO cases, among the stakeholders like investigation officers, medical officers etc., affect the seriousness and progress of these cases. Creating awareness among the Stake holders would strengthen the Prosecution case.

In a meeting conducted with the Special court judges, it was reported by the special court judges that the staff strength now available for POCSO Courts is not sufficient to handle the work related to such Courts. There is truth in their report. Because, normally Fast Track courts at the Additional Sessions Court level do not receive FIR and case properties and maintain the related records. They need not even receive charge sheets and take them on file. Because cases are assigned to those courts by the Principal Sessions Court after the cases are taken on file and after the completion of e-court entries. Further Additional Sessions Courts need not have separate establishment section or administrative wing. But the Fast track Courts for POCSO cases (Special Courts) which are at Sessions Courts level, cannot avoid all the above said functions. Only one typist post sanctioned for Special Courts needs to be tied to court proceedings in order to type evidence. Beside typing evidence there are other works like typing various statements, communication, pay bills and to attend administrative papers. No staff is sanctioned to do e- court entries. The Grade I Bench Clerk and Translators who are the basic staffs meant for a Sessions court are not available for these Special Courts. Since the child friendly room is away from the main court hall, some staffs need to be posted for the child friendly room also for the purpose of maintaining, guarding and also for showing the documents to the child witnesses while recording evidence.

The Court has to consider various factors for granting interim compensation and the time of the court devoted for such enquiries cannot be overlooked. Once the compensation order is passed, there is always delay in disbursing the amount. The authorities should be directed to enforce the Court Orders at the earliest and any delay in disbursement, would lead to Secondary Victimization. There are instances of non disbursement of Compensation amount in spite of award being granted by the Court.

4.3.8.12. ADDITIONAL SUPPORT MEASURES URGENTLY REQUIRED FROM CENTRAL GOVERNMENT

According to High Court continuous/Refresher training should be given to Police, Special Public Prosecutors and medical officers and they should be sensitized about how to handle these cases right from the time of receiving the complaint. Since non-reporting of child sexual abuse itself is an offence, the awareness about the Act should be spread to all police personnel irrespective of their rank. Only those officers who show excellence during such training should be chosen and posted to Investigate these cases. If possible special police cells can be formed to handle cases in which the victims are children. Trained Police Personnel should not be transferred to other duty unless unavoidable necessity arises. The staff strength which is normally sanctioned for a District court should be sanctioned immediately to all the Special Courts handling POCSO cases.

One Stop Service Centre for child sexual offences should be formed in all the districts in order to house police station, hospital, CWC, children home and court in one and the same place. This will considerably save the time for investigation of these cases and it can also save the medical evidence at the earliest point of time. And this can also ensure the safety of the victim children. Newly emerging techniques like Rapid D.N.A tests should be introduced and encouraged. This would considerably save time and cut the cost which is spent on traditional methods. Hence necessary infrastructure to do rapid D.N.A tests should be made available in all the State/District Head quarters. Some practical measures should be taken by consulting the concerned authorities for the early disbursement of the interim/final compensation awarded by the court.

4.3.8.13. MODIFICATIONS PROPOSED IN THE SCHEME

As informed by the High Court the scheme has twin objectives. One is for the effective implementation of Criminal Law Amendment 2018 and another is to reduce the rape and POCSO cases. The effective implementation can only be the offshoot of the sensitivity gained by the stakeholders and the willingness shown by the affected to invoke the benefits of the Special legislations. Such sensitization will result in filing of more new cases. So, even when the existing cases are disposed in a fixed time, the new cases will be there and the pendency at the end of the day may be more or less the same as what it is now or even more. Hence the project period which is fixed for one year would not be sufficient and has to be extended further, could be considered.

One Special Court is proposed for a place which has more than 100 POCSO cases. Despite more than one court is required for places which have more than 200 cases, only one court is sanctioned and established. In view of this, the delay cannot be reduced much in those places. Hence, allotting more than one court for places which has more than 200 pending cases could be considered.

As per the scheme, the target for disposal is fixed at nearly 42 per quarter. The total number of working days available for a court in a month will be approximately 20 days and it will be 60 days for a quarter. If one court has to dispose 42 cases in a quarter, even 2 days will not be available to conclude the trial of one case. Examination of child witnesses is a time consuming process and the child cannot be hurried up to speak fastly for the purpose of concluding the trial in one day. Official witnesses may not be available in one single day and their examination will also take considerable time.

A case has to pass a few stages before it is posted for trial and pass a few more stages before it is ripe for arguments. The judge has to study the papers for writing the judgment and it might take a reasonable time. The time so taken for trial or by the judge to read the papers will be relatively more for cases which cover more than one incident, more than one victim or more than one accused. And it will be relatively less for cases in which the witnesses have turned hostile.

Each case will have a different back ground, different events and result in different consequences. So the time consumed for cross examination and even chief examination for that matter will differ from a case to case. Cases involving electronic evidence and offences committed through electronic gadgets and applications require different expertise and that will also consume more time.

So it would be difficult to expect that a case will be disposed in less than 2 days time. (even if the counsels give their best co-operation). Beside conducting trials, the special judges also has to deal with interlocutory petitions, hold enquiries for awarding interim/final compensation and pass orders. While fixing the monthly norms for courts the high court gives credit to the number of witnesses examined and the number of miscellaneous petitions disposed by a Court. For some courts, considering the complex nature of the work, norms are not fixed. These heterogeneous factors affecting the disposal, has to be considered before fixing the Quantum of the output through the Scheme.

4.3.8.14.SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE

The suggestions provided by the High Court for making the scheme more effective so as to meet the objective of the scheme are stated below:

Sensitization:- Sensitizing, Children in School by educating them about the evils, the Presiding Judge and Public Prosecutor of the POCSO Court can make regular visit within their Jurisdiction to conduct awareness programme. It will be well received, since it is from persons with authority. The Presiding Officer and Public Prosecutor can become benefited from these interactions, knowing more about child psychology.

Rehabilitation:- Rehabilitation of victims, apart from compensation by giving psychological support by NGOs can be considered.

Amendments:- Necessary amendments should be brought in the Special Act in order to treat cases arising out of minor love (in which the age of the victim is above 16 and the accused below 23), as compoundable one. Before such cases are registered the parties should be dealt by authorities of Social Welfare Department and if the love affair is found to be the reason for such offences, counseling should be given to both the victim and the accused. Protection Officers and Probation officers could also be engaged to render assistance services. Only if the affected children do not have the mental maturity to take decisions and the accused continue to disturb such children in the name of love, the cases should be registered.

Recording of Evidence:- The children of tender age (below 7/10 years) can not be expected to elaborate the occurrence to several stakeholders in the same manner in which it was first spoken by

them to their parents/guardian/next friend. So the evidence of this parents/guardian/next friend should also be given weightage to that of the evidence of the victim herself.

The procedure for recording the evidence of the child witnesses and the evidentiary value of the victim children is something special. Considering the vulnerability of the children to forget or confuse essential details due to their tender age, appropriate amendments should be brought in order to treat their earliest statements like 164 statement as evidence. Only then her best evidence can be saved/recorded at the earliest point of time and the courts need not wait for the filing of the charge sheet.

Infrastructure:- Creating more than one court for those places which has more than 200 cases, can help to considerably reduce the pendency. And the supporting staff strength should be increased immediately. Proper infrastructure put in place will have an direct impact on speedy disposal.

Awareness:- The print and mass media should be utilized effectively in order to spread awareness about the consequences of love related sexual offences committed on minors by young adults This will help to stop these types of cases and eventually the time available for the court can be better utilized for dealing the other POCSO cases.

4.3.9. STATE: RAJASTHAN

HIGH COURT: RAJASTHAN HIGH COURT

4.3.9.1. Introduction

As informed by the Registrar General of High Court, Central Government has sanctioned 45 (26 + 19) Special Fast Track Courts but State Government has not created FTSC, however State Government has already created 56 Special Courts for trying POCSO Act and Rape cases and out of which 30 Courts are exclusively for trying POCSO Act cases and 26 Courts for trying POCSO Act cases and Rape cases. Vide notification dated 10.07.2017, one Special Court and vide notification dated 06.08.20018, 55 Special Court has been created.

List of Courts set up/functional in the state are as given below:

S. No.	Name of POCSO Courts
1.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No. 1 Ajmer
2.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No. 2 Ajmer
3.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.1, Alwar

4.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.2, Alwar
5.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.3, Alwar
6.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.4, Alwar
7.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Balotra
8.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Banswara
9.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.1, Baran
10.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.2, Baran
11.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.1, Bharatpur
12.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, N0,2, Bharatpur
13.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.1, Bhilwara
14.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.2, Bhilwara
15.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Bikaner
16.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.1, Bundi
17.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.2, Bundi

18.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Chittorgarh
19.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Churu
20.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Dausa
21.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Dholpur
22.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Dungarpur
23.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Ganganagar
24.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Hanumangarh
25.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.1, Jaipur-I
26.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.2, Jaipur-1
27.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.3, Jaipur.
28.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.1, Jaipur-II.
29.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.2, Jaipur-II.
30.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, No.3, Jaipur-II.
31.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Jaipur District

32.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Jaisalmer
33.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Jalore
34.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.1, Jhalawar
35.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.2, Jhalawar
36.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Jhunjhunu
37.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Jodhpur
38.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Jodhpur District, Jodhpur
39.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Karauli
40.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.1, Kota
41.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.2, Kota
42.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.3, Kota
43.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.4, Kota
44.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.5, Kota
45.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court, Merta

46.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.1, Pali
47.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.2, Pali
48.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.3, Pali
49.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Pratapgarh
50.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Rajsamand
51.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court, Sawaimadhopur
52.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court, Sikar
53.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Sirohi
54.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Tonk
55.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.1, Udaipur
56.	Spl. Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act 2005, Court No.2, Udaipur

NPC study team has covered a total of 6 FTSCs courts. The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
Rajasthan High Court	Rajasthan	41	26	41	0	0

4.3.9.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Court

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Rajasthan the target for setting up 19 Special Fast Track Courts and 26 exclusive POCSO courts. A total of 45 courts in the state were proposed to be setup was given for Rajasthan State. As per the information provided by the High Court, State Government has not created Fast Track Special Courts for trying POCSO Act Cases. 56 Permanent Special Courts (District Judge Cadre) has been established by State Government which are hearing POCSO Cases and Rape Cases. In addition to above 56 Permanent Special Courts, State Government took a decision to create 47 Fast Track Special Courts and Government of India also recommended 45 Fast Track Special Courts for POCSO and Rape Cases but this decision been withdrawn by State Government.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
26	19	30	26	30	26

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
26	19	30	26	30	26

Source: High Court

4.3.9.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the no target for cases was given to them but they have disposal rate above 100 per court during the year 2019-20 and during the year 2020-21 the disposal rate is low due to COVID- 19 Lockdown. The year wise details of the cases as reported by the Rajasthan High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Rajasthan High Court

Particulars	Courts	2019-20	2020-21	Total
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			(till 31.07.2020)	(2019-21)
Target of cases	FTSC (Nos.)	*		-
	E POCSO (Nos.)	**		-
	Total (Nos)	-	-	-
Number of cases Transferred	FTSC (Nos.)	4872	2358	7230
	E POCSO (Nos.)	8867	5081	13948
	Total (Nos)	13739	7439	21178
Number of cases Taken up	FTSC (Nos.)	4872	2358	7230
	E POCSO (Nos.)	8867	5081	13948
	Total (Nos)	13739	7439	21178
Number of cases Disposed	FTSC (Nos.)	2674	115	2789
	E POCSO (Nos.)	3054	174	3228
	Total (Nos)	5728	289	6017
Percent of Cases Disposed	FTSC (%)	-	-	-
	E POCSO (%)		-	-
	Total (%)	-	-	-

Source: High Court

*No Target has been given but average annual disposal rate is- 102.85 per per Court

** Target has been given but average annual disposal rate is-101.8 per Court

As shown in the table above, the total number of cases taken up and number of cases disposed in the year 2019-20 were 13739 and 5728 respectively and for the 2020-21 are 7439 and 289 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Rajasthan High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	3135	1064	4199
		E POCSO (Nos.)	4290	1456	5746
		Total (Nos)	7425	2520	9945
	Number of cases Disposed	FTSC (Nos.)	2674	115	2789
		E POCSO (Nos.)	3054	174	3228
		Total (Nos)	5728	289	6017
	Percent of cases Disposed (%)	FTSC (Nos.)	85.3	10.81	66.42
		E POCSO (Nos.)	71.19	11.95	56.18
		Total (Nos)	77.14	11.47	60.5
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	*		-
		E POCSO (Nos.)	**		-
		Total (Nos)	-	-	-

	Number of cases Disposed	FTSC (Nos.)	2674	115	2789
		E POCSO (Nos.)	3054	174	3228
		Total (Nos)	5728	289	6017
	Percent of cases Disposed (%)	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-

*No Target has been given but average annual disposal rate is- 102.85 per per Court

** Target has been given but average annual disposal rate is-101.8 per Court

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 7425 and disposal rate was 77.17%. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 2520 and the number of cases disposed were 289 only. The percent cases disposed for the year 2020-21 is 11.47% which is on lower side. The High court should speed up the disposal rate of courts in the state for faster delivery of cases.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Rajasthan High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	75680	55970	131650
	FTSCs Cases (No)	4872	2358	7230
	Exclusively POCSO Act cases (Nos.)	8867	5081	13948
Total Number of Cases Disposed	Regular Courts Cases (No)	24178	1581	25759
	FTSCs Cases (No)	2674	115	2789
	Exclusively POCSO Act cases (Nos.)	3054	174	3228
Total Number of Cases where conviction took place	Regular Courts Cases (No)	2804	138	2942
	FTSCs Cases (No)	731	43	774
	Exclusively POCSO Act cases (Nos.)	984	44	1028
Percent Conviction to Disposal rate	Regular Courts Cases (%)	11.6	8.73	11.42
	FTSCs Cases (%)	27.34	37.39	27.75
	Exclusively POCSO Act cases (%)	32.22	25.29	31.85

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 11.60%, 27.34% and 32.22% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 8.73%, 37.39% and 25.29% respectively.

4.3.9.4 Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have received any Grant-in-Aid/ Financial Assistance of Rs. 3086.00 Lakhs in financial year 2019-20 and Rs. 3800.00 Lakhs in the financial year 2020-21 for 56 courts the financial details are given below in the table:

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Rajasthan

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	585.00*	-	-	-	-	-	-
State Share Released by State Govt.	-	-	-	-	-	-	-
Funds Received by High Court	3086.00	-	2019-20	-	56	UC of RS. 5.85 Crore (Central Assistance Pending at Administrative Dept. (Law) Level	Rs. 5.85 Crore Received as Central Assistance in the year 2019-20
	3800.00	-	2020-21	-	56	-	Grant of Central Assistance for the year 2020-21 not yet received

*Rs. 585 lakhs released by Department of Justice to the State Government for 45 FTSCs and 26 EPOCSO Courts

4.3.9.4.1. Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

As reported by High court the average annual expenditure incurred under different heads is given below in the table.

Table: Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	01- Salary	52.31	-
2	03-Travelling Allowance	0.26	-
3	04- Medical Exp.	0.35	-
4	05- Office Expenditure	0.93	-
5	09- R.R.T	0.97	-
6	31- Law Books	0.11	-
7	37- Liveries	0.01	-

8	38- Stationary Exp.	0.09	-
9	39- Printing Exp.	0.06	-
10	62- Computerization	0.01	-
	Total	55.1	-

4.3.9.5. Monitoring and Delivery Mechanism

High court informed that a arrears Committee has been entrusted the work to regulate and monitor the progress of trials under POCSO Act. Monthly Statement and Quarterly Statement is being forwarded by the concerned Judicial Officer in which No. of case disposed of is indicated. The progress report for July, 2020 is given below:

4.3.9.6. Data from Exclusive POCSO Courts.

S.N.	Districts (Name of Districts)	Functional courts	Cases transferred	New cases registered	Total cases disposed of in the month	Total Pending cases at the end of the month.	Pending cases >5 years out of Total pending cases
1	Ajmer	1	79	27	4	102	0
2	Alwar	2	195	44	37	202	8
3	Balotra	1	138	10	2	146	4
4	Baran	2	304	1	7	298	17
5	Bharatpur	2	315	18	2	331	22
6	Bikaner	1	216	13	1	228	13
7	Bundi	1	68	25	2	91	1
8	Churu	1	122	12	4	130	6
9	Chittorgarh	1	219	3	6	216	3
10	Dausa	1	112	3	5	110	1
11	Ganganagar	1	352	7	0	359	44
12	Janumangarh	1	184	4	8	180	0
13	Jaipur Metro.1*	1	215	8	102	121	0
14	Jaipur Metro. 2	1	21	43	5	59	5
15	Jaipur District	1	96	16	3	109	0
16	Jhalawar	1	126	14	6	134	0
17	Jhunjhunu	1	187	15	4	198	7
18	Jodhpur Metro.	1	242	6	5	243	24
19	Karauli	1	147	5	3	149	4

20	Kota	2	215	33	9	239	16
21	Merta	1	238	9	0	247	15
22	Pali	1	75	12	5	82	0
23	Pratapgarh	1	167	3	0	170	21
24	Sawai Madhopur	1	92	11	11	92	1
25	Sikar	1	235	14	0	249	4
26	Udaipur	1	151	9	1	159	13
	Grand Total	30	4511	365	232	4644	229

4.3.9.7.PRESIDING OFFICER/ JUDGES OF RAJASTHAN HIGH COURT

4.3.9.7.1 KOTA (FTSC)

- Details of the Court :-**Spl. Judge POCSO No. 3, Kota, B-13, Civil lines, Nayapura, Kota
- Details of Start of the Court:-** 07/08/2020
- Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	2018-19	15.94	
2	2019-20	54.87	
3	2020-21	54.12	
	Total	124.93	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	Nil	Nil	Nil
Number of Cases Transferred (Nos.)	Nil	Nil	Nil
Number of Cases Taken up (Nos.)	205	06	Nil
Number of Cases Disposed (Nos.)	102	05	Nil

e. Budget Released to Court by High Court

A total of 124.93 lakhs of budget released for the year 2018-19, 2019-20 and 2020-21

4.3.9.7.2 BARAN 1 (EXCLUSIVE POCSO COURT)

a. **Details of the Court :-**Protection of Children from Sexual Offences Act 2012 & Commissions for Protection of Child Right Act 2005, No. 1 Baran

b. **Details of Start of the Court:-** 08/08/2020

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
	Total	93.6	

d. **Details of number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	-
Number of Cases Transferred (Nos.)	143	11	-
Number of Cases Taken up (Nos.)	143	11	-
Number of Cases Disposed (Nos.)	161	03	-

e. **Budget Released to Court by High Court**

A total of 93.60 lakhs of budget released for the court.

4.3.9.7.3 BARAN 2 (EXCLUSIVE POCSO COURT)

a. **Details of the Court :-**Special Judge, POCSO Act 2012 Cases No. 02 Baran

b. **Details of Start of the Court:-** 08/08/2020

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
	Total	65.85	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	-
Number of Cases Transferred (Nos.)	111	11	-
Number of Cases Taken up (Nos.)	111	11	-
Number of Cases Disposed (Nos.)	169	07	-

e. Budget Released to Court by High Court

A total of Rs. 8.12 lakhs of budget released for the court

4.3.9.7.4 BARMER (E POCSO COURT)

a. Details of the Court :-Special Court POCSO, Baltotra, District Barmer, Rajasthan

b. Details of Start of the Court:- 08/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	2018-19	35.45	
2	2019-20	61.33	
3	2020-21	35.10	
	Total	131.88	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	
Number of Cases Transferred (Nos.)	101	-	
Number of Cases Taken up (Nos.)	66	36	
Number of Cases Disposed (Nos.)	71	43	

e. Budget Released to Court by High Court

A total of Rs. 5.57 lakhs of budget released for the court.

4.3.9.7.5 DAUSA (E POCSO COURT)

a. Details of the Court :- POCSO Court Dausa

b. Details of Start of the Court:- 08/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	2014-00-105-19-07	38.93
	Total	38.93

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	100	110	-
Number of Cases Transferred (Nos.)	07	-	-
Number of Cases Taken up (Nos.)	25	23	-
Number of Cases Disposed (Nos.)	77	18	-

e. Budget Released to Court by High Court

A total of 38.93 lakhs of budget released for the court.

4.3.9.7.6 DUNAGRPUR (FTSC)

a. Details of the Court :- Spl. Court for protection of Children from Sexual Offences Act, 2012 & Commission for protection of Child Rights Act, 2005, Dunagrpur

b. Details of Start of the Court:- 13/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Total	28.50	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	Nil	Nil	Nil
Number of Cases Transferred (Nos.)	36	02	Nil
Number of Cases Taken up (Nos.)	351	56	Nil

Number of Cases Disposed (Nos.)	438	55	Nil
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e. Budget Released to Court by High Court

A total of Rs. 28.50 lakhs of budget released for the court.

4.3.9.7.7 JODHPUR (E POCSO COURT)

a. Details of the Court :- Spl. Court for protection of Children from Sexual Offences Act, 2012 & Commission for protection of Child Rights Act, 2005, Jodhpur District

b. Details of Start of the Court:- 08/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	45.27	Broad Band
2.	Office Expences	2.4	Vehicle
3.	Rent	5.25	
4.	T.A Bill	0.33	
5.	Medical	0.06	
6.	Library	0.13	
7.	Stationary	0.09	
8.	Printing	0.09	
9.	livires	0.05	
	Total	53.67	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	Nil	Nil	Nil
Number of Cases Transferred (Nos.)	Nil	0	Nil
Number of Cases Taken up (Nos.)	91	22	Nil
Number of Cases Disposed (Nos.)	94	06	Nil

e. Budget Released to Court by High Court

A total of 110.74 lakhs of budget released for the court.

4.3.9.7.8 BANSWARA (FTSC)

a. Details of the Court :- POCSO Court, Banswara

b. Details of Start of the Court:- 08/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	1425.41	
2.	2019-20	4613.66	
3.	2020-21	2400.78	
	Total	8439.85	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	Rape cases: 2 months Original POCSO cases:1 year	-	
Number of Cases Transferred (Nos.)	224	9	-
Number of Cases Taken up (Nos.)	94	40	-
Number of Cases Disposed (Nos.)	155	66	-

e. Budget Released to Court by High Court

A total of 8439.85 lakhs of budget released for the court.

4.3.9.7.9 JAIPUR COURT NO. 2 (E POCSO COURT)

a. Details of the Court :- Special POCSO Court No. 2 Jaipur Metropolitan 2

b. Details of Start of the Court:- 08/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1.	2019-20	57.92
2.	2020-21	89.50
	Total	147.42

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	POCSO=75	POCSO=13 Rape=55 Other=63 Total= 131	
Number of Cases Transferred (Nos.)	POCSO=4	POCSO=0	-

	Rape=55 Other=66 Total= 125	Rape=17 Other=0 Total= 17	
Number of Cases Taken up (Nos.)	POCSO=79 Rape=55 Other=66 Total= 200	POCSO=13 Rape=72 Other=63 Total= 148	-
Number of Cases Disposed (Nos.)	POCSO=77 Rape=0 Other=6 Total= 83	POCSO=0 Rape=1 Other=0 Total= 1	-

e. Budget Released to Court by High Court

A total of Rs. 147.42 lakhs of budget released for the court.

4.3.9.7.10 JAIPUR COURT NO. 1 (E POCSO COURT)

a. Details of the Court :- Special POCSO Court No. 1 Jaipur Metropolitan 2

b. Details of Start of the Court:- 08/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1.	2019-20	57.92
2.	2020-21	89.50
	Total	147.42

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	POCSO=83	POCSO=21	
Number of Cases Transferred (Nos.)	POCSO=32 Other=35 Total= 67	POCSO=43	-
Number of Cases Taken up (Nos.)	POCSO=115 Other=35 Total= 150	POCSO=64	-
Number of Cases Disposed (Nos.)	POCSO=94 Other=35 Total= 129	POCSO=05	-

e. Budget Released to Court by High Court

A total of Rs. 147.42 lakhs of budget released for the court.

4.3.9.7.11 JAIPUR COURT NO. 3 (EXCLUSIVE POCSO COURT)

a. Details of the Court :- Special POCSO Court No. 3 Jaipur Metropolitan 1

b. Details of Start of the Court:- 08/08/2020

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1.	2018-19	19.76
2.	2019-20	60.33
3.	2020-21	48.00
	Total	128.09

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	-
Number of Cases Transferred (Nos.)	101	31	-
Number of Cases Taken up (Nos.)	176	99	-
Number of Cases Disposed (Nos.)	108	03	-

e. Budget Released to Court by High Court

A total of 128.09 lakhs of budget released for the court.

4.3.9.7.12 JAIPUR WOMEN ATROCITY COURT (FTSC)

a. Details of the Court :- Additional Session Court, Women Atrocity Court, Jaipur Metropolitan 1

b. Details of Start of the Court:- 16/11/1997

c. Expenditure incurred on the Operational Cost per FTSC per year

Details are not Provided.

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	-	-	-
Number of Cases Transferred (Nos.)	76	5	-
Number of Cases Taken up (Nos.)	141	3	-
Number of Cases Disposed (Nos.)	141	3	-

e. **Budget Released to Court by High Court**

Details are not Provided.

4.3.9.7.13 JAIPUR (E POCSO COURT)

a. **Details of the Court :-** Special Court, POCSO Act, Jaipur District

b. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	104.10	
2.	2019-20	92.43	
3.	2020-21	57.71	
	Total	254.26	

c. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	139	109	-
Number of Cases Transferred (Nos.)	03	02	-
Number of Cases Taken up (Nos.)	88	28	-
Number of Cases Disposed (Nos.)	121	26	-

d. **Budget Released to Court by High Court**

A total of Rs. 254.26 lakhs of budget released for the court.

4.3.9.7.14 HANUMANGARH (E POCSO COURT)

a. **Details of the Court :-** POCSO Court, Hanumangarh

b. Details of Start of the Court:- 14/08/2018**c. Expenditure incurred on the Operational Cost per FTSC per year**

Details are not provided.

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	-
Number of Cases Transferred (Nos.)	107	18	-
Number of Cases Taken up (Nos.)	107	18	-
Number of Cases Disposed (Nos.)	86	32	-

e. Budget Released to Court by High Court

NA

4.3.9.7.15 BUNDI (E POCSO COURT)**a. Details of the Court :- POCSO Court No. 1, Bundi****b. Details of Start of the Court:- 09/08/2018****c. Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Total	31.28	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	140	90	NA
Number of Cases Taken up (Nos.)	110	33	NA
Number of Cases Disposed (Nos.)	160	32	NA

e. Budget Released to Court by High Court

A total of 31.28 lakhs of budget released for the court.

4.3.9.7.16 KARALI (EXCLUSIVE POCSO COURT)

a. **Details of the Court :-** Special Court POCSO Act Cases Karauli, Court Campus Karauli

b. **Details of Start of the Court:-** 09/10/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details not provided

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	17	01	NA
Number of Cases Taken up (Nos.)	62	29	NA
Number of Cases Disposed (Nos.)	79	45	NA

e. **Budget Released to Court by High Court**

NA

4.3.9.7.17 PALI NO. 1 (E POCSO COURT)

a. **Details of the Court :-** Special Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act, 2005. No. 1 Pali

b. **Details of Start of the Court:-** 08/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details are not Provided.

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	120	92	NA
Number of Cases Transferred (Nos.)	67	0	NA
Number of Cases Taken up (Nos.)	175	12	NA
Number of Cases Disposed (Nos.)	149	05	NA

e. **Budget Released to Court by High Court**

NA

4.3.9.7.18 PALI NO. 2 (FTSC)

a. **Details of the Court :-** Special Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act, 2005. No. 2Pali

b. **Details of Start of the Court:-** 08/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details are not provided.

d. **Details of number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	NA	NA	NA
Number of Cases Taken up (Nos.)	127	65	NA
Number of Cases Disposed (Nos.)	62	03	NA

e. **Budget Released to Court by High Court**

NA

4.3.9.7.19 PALI NO. 3 (FTSC)

a. **Details of the Court :-** Special Court for Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act, 2005. No. 3 Pali

b. **Details of Start of the Court:-** 08/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details are not provided.

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	89	47	NA
Number of Cases Transferred (Nos.)	NA	NA	NA
Number of Cases Taken up (Nos.)	46	26	NA
Number of Cases Disposed (Nos.)	88	21	NA

e. **Budget Released to Court by High Court**

NA

4.3.9.7.20 KOTA NO. 2 (EXCLUSIVE POCSO)

a. **Details of the Court :-** Special Judge, POCSO Court 2, Kota

b. **Details of Start of the Court:-** 08/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	16.17	NA
2.	2019-20	59.55	
3.	2020-21	39.54	
	Total	115.26	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	75	01	NA
Number of Cases Taken up (Nos.)	191	81	NA
Number of Cases Disposed (Nos.)	111	NA	NA

e. **Budget Released to Court by High Court**

A total of Rs. 115.26 lakhs of budget released for the court.

4.3.9.7.21 KOTA NO. 4 (FTSC)

a. **Details of the Court :-** Special Court POCSO 4 Kota

b. **Details of Start of the Court:-** 08/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	16.07	NA
2.	2019-20	53.01	
3.	2020-21	43.99	
	Total	113.07	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	70	NA	NA
Number of Cases Taken up (Nos.)	190	106	NA
Number of Cases Disposed (Nos.)	85	04	NA

e. **Budget Released to Court by High Court**

A total of Rs. 113.07 lakhs of budget released for the court.

4.3.9.7.22 CHURU (EXCLUSIVE POCSO)

a. **Details of the Court :-** POCSO Court Churu

b. **Details of Start of the Court:-** 13/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks
	Total	36.65	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	29	NA	NA
Number of Cases Taken up (Nos.)	92	13	NA
Number of Cases Disposed (Nos.)	91	11	NA

e. **Budget Released to Court by High Court**

A total of Rs. 36.65 lakhs of budget released for the court.

4.3.9.7.23 AJMER (FTSC)

a. **Details of the Court :-** POCSO Act 2012 No. 2 Ajmer

b. **Details of Start of the Court:-** 06/08/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	65.00	
2.	TA	-	
3.	OE	1.00	
4.	Law Books	0.20	
5.	Stationary	0.20	
6.	Printing	0.08	
	Total	66.48	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	104	22	NA
Number of Cases Taken up (Nos.)	NA	NA	NA
Number of Cases Disposed (Nos.)	102	01	NA

e. Budget Released to Court by High Court

A total of Rs. 66.48 lakhs of budget released for the court.

4.3.9.7.24 JAIPUR NO. 3 METRO-I I (E POCSO COURT)

a. Details of the Court :- Special POCSO Court No. 3 Jaipur Metro-II

b. Details of Start of the Court:- 06/10/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	2138.44	
2.	2019-20	5698.73	
3.	2020-21	5630.47	
	Total	13467.64	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	99	20	NA
Number of Cases Transferred (Nos.)	NA	NA	NA
Number of Cases Taken up (Nos.)	27	110	NA
Number of Cases Disposed (Nos.)	106	09	NA

e. Budget Released to Court by High Court

A total of Rs. 13467.64 lakhs of budget released for the court.

4.3.9.7.25 JAIPUR NO. 1 METRO-I (FTSC)

a. Details of the Court :- Special POCSO Court No. 1 Jaipur Metro-I

b. Details of Start of the Court:- 06/08/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	51.09	
2.	2019-20	75.84	
3.	2020-21	50.63	
	Total	177.56	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	99	70	NA
Number of Cases Taken up (Nos.)	432	223	NA
Number of Cases Disposed (Nos.)	72	04	NA

e. Budget Released to Court by High Court

A total of Rs.177.56 lakhs of budget released for the court.

4.3.9.7.26 JAIPUR NO. 2 METRO-I (FTSC)

a. Details of the Court :- Special POCSO Court No. 2 Jaipur Metro-I

b. Details of Start of the Court:- 06/10/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks
1.	2018-19	19.59	
2.	2019-20	54.12	
3.	2020-21	39.25	
	Total	112.96	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	NA	NA	NA
Number of Cases Taken up (Nos.)	180	108	NA
Number of Cases Disposed (Nos.)	109	02	NA

e. Budget Released to Court by High Court

A total of Rs.112.96 lakhs of budget released for the court.

4.3.9.7.27 UDAIPUR NO. 2 (FTSC)

a. Details of the Court :- POCSO Court No. 2 Udaipur

b. Details of Start of the Court:- 07/08/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
	Total	112.87	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	93	165	NA
Number of Cases Taken up (Nos.)	94	167	NA
Number of Cases Disposed (Nos.)	154	54	NA

e. Budget Released to Court by High Court

A total of Rs. 112.87 lakhs of budget released for the court.

4.3.9.7.28 UDAIPUR NO.1 (FTSC)

a. Details of the Court :- POCSO Court No. 1 Udaipur

b. Details of Start of the Court:- 07/08/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Total	63.87	

d. Details of number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	20	04	NA
Number of Cases Taken up (Nos.)	NA	NA	NA
Number of Cases Disposed (Nos.)	51	13	NA

e. Budget Released to Court by High Court

A total of Rs. 63.87 lakhs of budget released for the court.

4.3.9.7.29 KOTA NO. 1 (E POCSO COURT)

a. Details of the Court :- Special Judge POCSO No. 1 Kota

b. Details of Start of the Court:- 03/10/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	14.54	
2.	2019-20	53.57	
3.	2020-21	48.86	
	Total	116.97	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	112	64	NA
Number of Cases Taken up (Nos.)	242	35	NA
Number of Cases Disposed (Nos.)	55	05	NA

e. Budget Released to Court by High Court

A total of Rs.116.97 lakhs of budget released for the court.

4.3.9.7.30 KOTA NO. 05 (FTSC)

a. Details of the Court :- Special Court, POCSO No. 05, Kota

b. Details of Start of the Court:- 11/10/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2019-20	57.96	
2.	2020-21	41.58	
	Total	99.54	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	NA	NA	NA
Number of Cases Taken up (Nos.)	63	23	NA
Number of Cases Disposed (Nos.)	80	02	NA

e. **Budget Released to Court by High Court**

A total of Rs. 99.54 lakhs of budget released for the court.

4.3.9.7.31 JAISALMER (E POCSO Court)

a. **Details of the Court :-** Special Court for POCSO Act & Commission for Protection of Child Right Act 2005, Jaisalmer

b. **Details of Start of the Court:-** 08/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**
Details not provided.

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	11	07	NA
Number of Cases Taken up (Nos.)	32	16	NA
Number of Cases Disposed (Nos.)	27	10	NA

e. **Budget Released to Court by High Court**

NA

4.3.9.7.32 JHUNJHUNU (E POCSO COURT)

a. **Details of the Court :-** Special Court (POCSO), Jhunjhunu

b. **Details of Start of the Court:-** 10/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	60.00	
2.	Medical	0.50	
3.	Office Expenses	0.70	
4.	Library	0.10	
5.	Stationary	0.10	
6.	Printing	0.10	
7.	Travelling & Lverage	0.47	
	Total	61.97	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	NA	NA	NA
Number of Cases Taken up (Nos.)	99	16	NA
Number of Cases Disposed (Nos.)	80	05	NA

e. Budget Released to Court by High Court

A total of Rs. 61.97 lakhs of budget released for the court.

4.3.9.7.33 JODHPUR METRO (E POCSO COURT)

a. Details of the Court :- Special Court for Protection of Children from Sexual Offences Act, 2012 & Commission for protection of child rights Act, 2006, Jodhpur metro

b. Details of Start of the Court:- 08/08/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	70.38	
2.	Office Expenses	1.13	
3.	Rent	9.00	
4.	Library (Law Books)	0.10	
5.	Uniform	0.20	
6.	Stationary	0.078	
7.	Printing	0.078	
	Total	80.96	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	20	0	NA
Number of Cases Taken up (Nos.)	100	13	NA
Number of Cases Disposed (Nos.)	65	22	NA

e. **Budget Released to Court by High Court**

A total of Rs. 171.94 lakhs of budget released for the court.

4.3.9.7.34 NAGPUR (E POCSO COURT)

a. **Details of the Court :-** Special Judge, Protection of Children from Sexual Offences Act, 2012 & Commission for protection of child rights Act, 2005, Nagpur

b. **Details of Start of the Court:-** 12/10/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	50.39	
2.	Office Expenses	0.41	
3.	Library and Magazine expenses	0.010	
4.	Writing material expenses	0.078	
	Total	50.88	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	193	207	NA
Number of Cases Transferred (Nos.)	99	46	NA
Number of Cases Taken up (Nos.)	292	253	NA
Number of Cases Disposed (Nos.)	85	7	NA

e. **Budget Released to Court by High Court**

A total of Rs. 50.88 lakhs of budget released for the court.

4.3.9.7.35 SIKAR (E POCSO COURT)

a. **Details of the Court :-** POCSO Court, Sikar

b. **Details of Start of the Court:-** 10/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	29.29	
2.	Medical Expenses	0.61	
3.	Office Expenses	1.82	
4.	Rent Expenses	4.92	
5.	Library and Magazine expenses	0.095	
6.	Stationary Expenses	0.057	
7.	Printing Expenses	0.020	
	Total	36.378	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	16	01	NA
Number of Cases Taken up (Nos.)	105	15	NA
Number of Cases Disposed (Nos.)	88	11	NA

e. **Budget Released to Court by High Court**

A total of Rs. 36.37 lakhs of budget released for the court.

4.3.9.7.36 PRATAPGARH (E POCSO COURT)

a. **Details of the Court :-** POCSO Court, Pratapgarh

b. **Details of Start of the Court:-** 14/08/2018

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Details not provided.

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	293	170	NA
Number of Cases Transferred (Nos.)	66	NA	NA
Number of Cases Taken up (Nos.)	75	NA	NA
Number of Cases Disposed (Nos.)	264	NA	NA

e. **Budget Released to Court by High Court**

NA

4.3.9.7.37 RAJSAMAND (E POCSO COURT)a. **Details of the Court :-** POCSO Court, Rajsamandb. **Details of Start of the Court:-** 24/08/2018c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	41.11	
2.	TA	0.092	
3.	Medical	0.088	
4.	Office Expenses	0.32	
5.	Library expenses	0.10	
6.	Stationary Expenses	0.075	
7.	Printing Expenses	0.065	
	Total	41.85	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	99	NA	NA
Number of Cases Taken up (Nos.)	NA	NA	NA
Number of Cases Disposed (Nos.)	242	24	NA

e. **Budget Released to Court by High Court**

A total of Rs. 41.85 lakhs of budget released for the court.

4.3.9.7.38 SAWAI MADHOPUR (E POCSO COURT)

a. **Details of the Court :- Special Court (POCSO Act) , Sawai Madhopur**

b. **Details of Start of the Court:- 24/08/2018**

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	2018-19	2876.83	
2.	2019-20	7040.05	
3.	2020-21	4159.05	
	Total	14075.93	

d. **Number of cases handled by FTSCs including exclusive POCSO Courts**

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	06	01	NA
Number of Cases Taken up (Nos.)	226	24	NA
Number of Cases Disposed (Nos.)	119	45	NA

e. **Budget Released to Court by High Court**

A total of 14075.93 lakhs of budget released for the court.

4.3.9.7.39 SRIGANGANAGAR (E POCSO COURT)

a. **Details of the Court :- POCSO Court No. 1 Sriganganagar**

b. **Details of Start of the Court:- 07/08/2018**

c. **Expenditure incurred on the Operational Cost per FTSC per year**

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	48.66	
2.	T.A	0.65	
3.	OE	0.73	Insufficient infrastructure & Lack of Resources

4.	Medical	0.22	
5.	Library	0.12	
6.	Stationary	0.09	
7.	Printing	0.06	
	Total	50.53	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	490	455	NA
Number of Cases Taken up (Nos.)	490	455	NA
Number of Cases Disposed (Nos.)	86	96	NA

e. Budget Released to Court by High Court

A total of Rs. 50.53 lakhs of budget released for the court.

4.3.9.7.40 SIROHI (FTSC)

a. Details of the Court :- Protection of Children from Sexual Offences Act, 2012 & Child Right Protection Commission, 2005

b. Details of Start of the Court:- 09/08/2018

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	Salary	71.48	
2.	OE	0.90	
3.	Library	0.10	
4.	Stationary	0.08	
5.	Printing	0.08	
	Total	72.64	

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	39	65	NA

Number of Cases Taken up (Nos.)	137	52	NA
Number of Cases Disposed (Nos.)	111	75	NA

e. Budget Released to Court by High Court

A total of Rs. 72.64 lakhs of budget released for the court.

4.3.9.7.41 JAIPUR (WOMEN ATROCITY CASE, JAIPUR METRO II) (FTSC)

a. Details of the Court :- Additional Session Judge, Women Atrocity Case, Jaipur Metro II

b. Details of Start of the Court:- 28/05/2015

c. Expenditure incurred on the Operational Cost per FTSC per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1.	NA		

d. Number of cases handled by FTSCs including exclusive POCSO Courts

Category of Courts	Years		Remarks
	2019-20	2020-21 (till 31 st July 2020)	
Cases at FTSC / Exclusive POCSO Court			
Target of cases given (Nos.)	NA	NA	NA
Number of Cases Transferred (Nos.)	114	30	NA
Number of Cases Taken up (Nos.)	Rape Cases-14 Other Cases-812	Rape Cases-02 Other Cases-126	NA
Number of Cases Disposed (Nos.)	Rape Cases-14 Other Cases-812	Rape Cases-02 Other Cases-126	NA

e. Budget Released to Court by High Court

NA

4.3.9.8. FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS

Major problems/Challenges faced.

- According to Presiding Officers FSL Reports are not received on time, witnesses such as investigating officer and medical officer not present on time and defective investigation and improper document effects the proceeding and timely disposal of the cases.
- Victims /witness who are from outside the States fail to turn up on date and in some cases they are even not traceable.

Additional support measures urgently required.

- According to presiding officers in the present scenario of COVID-19 video conferencing system is required in the court as well as to advocates and parties and witnesses.
- Aggravated, penetrative, sexual assault (u/s. 5/6 of the POCSO Act) should be mandatory covered under case officer scheme of Police.

Suggestions for the making the scheme more effective.

- As informed by the Presiding officers, it should be ensured that FSL and DNA reports must be filed along the with the chargesheet.
- Manpower must be increased in the courts.

4.3.9.9. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN RAJASTHAN**Selection and appointment of the 1 Presiding Officer and 7 staff members per year.**

As informed by High Court Officer of District Judge Cadre are being appointed Presiding Officer from existing Cadre for POCSO Courts and Staff has been Provided from concerned District Courts from existing staff duly recruited. Recruitment process is being done by Examination Cell of Rajasthan High Court.

Assessment of Operation of the FTSCs/ exclusive POCSO courts on improved access to justice

According to the High Court the scheme has positive impact and the Pendency of POCSO and Rape cases are declining in District & Sessions Courts after establishment and operationalisation of POCSO courts.

4.3.9.10. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCS INCLUDING EXCLUSIVE POCSO COURTS.

The major problems/challenges faced by High Court in operationalising FTSCs including exclusive POCSO Courts is of adequate infrastructure they require suitable Infrastructure, out of 56 POCSO Courts in Rajasthan no suitable Court building as per requirement is available. Present status of Courts Halls is as under:-

- i. 11 Courts are running in rented Court Buildings.
- ii. 12 Courts building have been provided by other Government Department
- iii. 23 Courts are running in Court Building of Judicial Department (not suitable)

4.3.9.11. ADDITIONAL SUPPORT MEASURES URGENTLY REQUIRED FROM CENTRAL GOVERNMENT

As informed by the High Court they have requirement of adequate Budget for providing suitable Infrastructure to POCSO Courts.

4.3.9.12. MODIFICATIONS PROPOSED IN THE SCHEME

According to High Court the pendency of cases increasing and for that number of courts should be increased.

4.3.9.13 SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE

According to the High Court the pendency of cases number of Courts be increased for speedy disposal and training be provided to presiding Officers, Special Public Prosecutors and Investigation Officers periodically.

4.3.10. STATE: UTTAR PRADESH HIGH COURT: ALLAHABAD HIGH COURT

4.3.10.1 Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Himachal Pradesh was to setup 144 Special Fast Track Courts and 74 exclusive POCSO courts in the State. A total of 06 courts in the state were proposed to be setup, considering a total of 36008 Cases pending under Rape and POCSO Act as on 31.03.2018 and 42379 Cases pending trial under POCSO Act as on 30.06.2019.

List of FTSCs and Exclusive POCSO Courts in Uttar Pradesh

Sl. No.	District	Number of FTSCs		
		Exclusive POCSO Courts	FTSCs for Rape and POCSO Act cases	Total
1.	Agra	1	3	4
2.	Aligarh	1	3	4
3.	Allahabad	1	3	4
4.	Ambedkarnagar	1	2	3
5.	Amethi	0	0	0
6.	Amroha	1	2	3
7.	Auraiya	1	1	2
8.	Azamgarh	1	2	3
9.	Baghpat	1	1	2
10.	Bahraich	1	2	3
11.	Ballia	1	2	3
12.	Balrampur	1	2	3
13.	Banda	1	1	2
14.	Barabanki	1	2	3
15.	Bareilly	1	3	4
16.	Basti	1	2	3
17.	Bhadohi	1	1	2
18.	Bijnor	1	1	2

19.	Budaun	1	3	4
20.	Bulandshahar	1	3	4
21.	Chandauli	1	1	2
22.	Chitrakoot	1	1	2
23.	Deoria	1	2	3
24.	Etah	1	2	3
25.	Etawah	1	1	2
26.	Faizabad	1	2	3
27.	Farrukhabad	1	2	3
28.	Fatehpur	1	2	3
29.	Firozabad	1	3	4
30.	Gautambuddh Nagar	1	2	3
31.	Ghaziabad	1	3	4
32.	Ghazipur	1	2	3
33.	Gonda	1	1	2
34.	Gorakhpur	1	3	4
35.	Hamirpur	1	2	3
36.	Hapur	1	2	3
37.	Hardoi	1	3	4
38.	Hathras	1	1	2
39.	Jalaun at Orai	1	1	2
40.	Jaunpur	1	2	3
41.	Jhansi	1	1	2
42.	Kannauj	1	1	2
43.	Kanpur Nagar	1	2	3
44.	Kasganj	1	1	2
45.	Kaushambi	1	3	4
46.	Kushinagar at Padrauna	1	3	4
47.	Lakhimpur Kheri	1	2	3
48.	Lalitpur	1	1	2
49.	Lucknow	1	3	4
50.	Maharajganj	1	2	3
51.	Mahoba	1	1	2
52.	Mainpuri	1	2	3

53.	Mathura	1	2	3
54.	Mau	1	2	3
55.	Meerut	1	3	4
56.	Mirzapur	1	1	2
57.	Moradabad	1	2	3
58.	Muzaffar Nagar	1	2	3
59.	Pilibhit	1	2	3
60.	Pratapgarh	1	2	3
61.	Rae-bareli	1	3	4
62.	Kanpur Dehat	1	2	3
63.	Rampur	1	2	3
64.	Saharanpur	1	2	3
65.	Sambhal	1	1	2
66.	Sant Kabir Nagar	1	2	3
67.	Shahjahanpur	1	2	3
68.	Shamli	1	1	2
69.	Shrawasti at Bhinga	1	1	2
70.	Siddharth Nagar	1	2	3
71.	Sitapur	1	3	4
72.	Sonbhadra	1	1	2
73.	Sultanpur	1	2	3
74.	Unnao	1	2	3
75.	Varanasi	1	3	4
	Total	74	144	218

The total number of Stakeholders covered during the field study by the NPC Team is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
Allahabad High Court	Uttar Pradesh	0	0	0	3	0

Note: the request to visit FTSCs/E POCSO Courts at district level of the State to conduct field survey was not acceded by the State High Court

4.3.10.2 Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

The target of setting up of 144 FTSCs and 74 e POCSO were given to the Uttar Pradesh State by the Department of Justice under the scheme. According to data provided by the Uttar Pradesh Government

and High Court all the 144 FTSCs and 74 Exclusive POCSO are established by the State and are functional. The district wise details of functional FTSCs and e POCSO courts are given intable below:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
74	144	74	144	74	144

* Scheme Guidelines

**Allahabad High Court

4.3.10.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set. The year wise details of the cases as reported by the Allahabad High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Allahabad High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	30237	27640	57877
	E POCSO (Nos.)	21867	26237	48104
	Total (Nos)	52104	53877	53877
Number of cases Transferred	FTSC (Nos.)	30786	9834	159858
	E POCSO (Nos.)	20817	13961	34778
	Total (Nos)	51603	23795	75398
Number of cases Taken up	FTSC (Nos.)	24560	19339	43899
	E POCSO (Nos.)	19345	23884	43229
	Total (Nos)	43905	43223	87128
Number of cases Disposed	FTSC (Nos.)	8182	3692	11874
	E POCSO (Nos.)	2366	3165	5531
	Total (Nos)	10548	6857	17405
Percent of Cases Disposed	FTSC (%)	27.06	13.36	14.36
	E POCSO (%)	10.82	12.06	13.06
	Total (%)	20.24	12.73	32.31

*Source: State Government and High Court

During the year 2019-20 the number of cases disposed by the FTSCs including exclusive POCSO courts was 8,182 in case of FTSCs and 3,165 in case of Exclusive POCSO court against the target given to them 30, 237 and 21867 respectively. Similarly, during the year 2020-21 (till 31st July 2020) the number of cases disposed by the FTSCs including exclusive POCSO courts are 3,692 in case of FTSCs and 3,165 in case of Exclusive POCSO court against the target given to them 27,640 and 26,237 respectively. The percent cases disposed by the FTSCs in the year 2019-20 was 27.06% in case of FTSCs and in case of exclusive POCSO court was only 10.82% and in 2020-21 was 13.36% and 12.06% respectively. Details of Target of cases, Number of cases Transferred, Number of cases Taken up and Number of cases Disposed by the FTSCs including exclusive POCSO courts for the year 2019-20 and 2020-21 is shown in table above.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Allahabad High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	23760	8064	31824
		E POCSO (Nos.)	12210	4144	16354
		Total (Nos)	35970	12208	48178
	Number of cases Disposed	FTSC (Nos.)	8182	3692	11874
		E POCSO (Nos.)	2366	3165	5531
		Total (Nos)	10548	6857	17405
	Percent of cases Disposed (%)	FTSC (Nos.)	34.44	45.78	37.31
		E POCSO (Nos.)	19.38	76.38	33.82
		Total (Nos)	29.32	56.17	36.13
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	30237	27640	57877
		E POCSO (Nos.)	21867	26237	48104
		Total (Nos)	52104	53877	53877
	Number of cases Disposed	FTSC (Nos.)	8182	3692	11874
		E POCSO (Nos.)	2366	3165	5531
		Total (Nos)	10548	6857	17405
	Percent of cases Disposed (%)	FTSC (Nos.)	27.06	13.36	14.36
		E POCSO (Nos.)	10.82	12.06	13.06
		Total (Nos)	20.24	12.73	32.31

As per the guidelines of the scheme it has been shown in the table above that targeted cases during the year 2019-20 was 35970 and disposed cases were 10548. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 12208 and the number of cases disposed were only 6857. The percent cases disposed for the year 2020-21 is 56.17%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Allahabad High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	3268532	842657	4111189
	FTSCs Cases (No)	30851	13246	44097
	Exclusively POCSO Act cases (Nos.)	27798	11868	39666
Total Number of Cases Disposed	Regular Courts Cases (No)	2087219	231548	2318767
	FTSCs Cases (No)	13251	1660	14911
	Exclusively POCSO Act cases (Nos.)	2941	1484	4425
Total Number of Cases where conviction took place	Regular Courts Cases (No)	115390	16905	132295
	FTSCs Cases (No)	238	23	261
	Exclusively POCSO Act cases (Nos.)	341	53	394
Percent Conviction to Disposal rate	Regular Courts Cases (%)	5.53	7.30	5.71
	FTSCs Cases (%)	1.80	1.39	1.75
	Exclusively POCSO Act cases (%)	11.59	3.57	8.90

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 5.53%, 1.80% and 11.59% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 7.30%, 1.39% and 3.57% respectively.

4.3.10.4 Financial Progress against the Target sets

The Department of Justice, Government of India has provided Grant-in-Aid/ Financial Assistance for setting up FTSCs to the UP in which 144 Fast Track Special Courts (FTSCs) other than Exclusive POCSO Act Courts and 74 Exclusive POCSO Act Courts. According to the details provided by the Registrar of Allahabad High Court they got the assistance of Rs. 5000.00 Lakhs in the financial year 2020-21 (01.04.2020) for which the UC will be submitted in the end of the FY 2020-21 and during the FY 2019-20 no funds were provided by the State Govt to the High Court for FTSCs and E POCSO courts. The details of Grant-in-Aid/ Financial Assistance provided under the scheme is given in the table below:

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Uttar Pradesh

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	1380.62		26.03.2020	144	74	02.07.2020	
State Share Released by State Govt.	552.25		20.05.2020	144	74	02.07.2020	
Funds Received by High Court	5000.00 (FY 2020-2021)	Sanctioned by State Govt	01.04.2020	144	74	UC may be submitted after the completion of current Financial Year 2020-2021	No fund was specifically sanctioned by the State Govt to this High Court for POCSO courts during FY 2019-2020

4.3.10.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts will be provided by the Allahabad High Court after the completion of the FY 2020-2021. The High Court also have shortage of funds in some preliminary units and the demand for the same of Rs. 50,35,75,000/- has been sent to the Government of Uttar Pradesh. The details of average expenditure incurred on the operational costs per FTSC including exclusive POCSO Court is given in the table below:

Details of average expenditure incurred on the operational costs per FTSC including exclusive POCSO Court.

Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present status and problems, if any)
2014-Administration of Justice-105-Civil and Session Courts-01-Centrally Sponsored Scheme-0104-Courts created for speedy disposal of prevalent criminal / criminal rape cases and trial of primary rape cases under POCSOAct.	Accurate figures may be provided after the completion of current F. Y. 2020-2021.	Funds in some preliminary units have fallen short and demand of a total sum of Rs.50,35,75,000/- has already been sent to the State Government of Uttar Pradesh through re- appropriation vide Courts letter no. 1859/Admin. (B-V) Section dated 22.07.2020.

4.3.10.5 Constraints faced in establishment and operationalisation of FTSCs including exclusive POCSO courts

As reported by the Registrar of Allahabad High Court to the NPC team during their field visit that after getting the instruction from the Ministry of Law and Justice on 5th September 2019 and State Government on 16 September, 2019, it was requested to the State Government to create 144 Special

Fast Track Courts. Vide another Court's letter dated 23.09.2019, it was requested to the State Government to create one exclusive Special Court in each district. Subsequently last reminder letter was sent to the State Government on 17.01.2020. Finally the State Government have established 74 exclusive Special Court/ posts of Additional District & Sessions Judge one in each district to try offences under POCSO Act 2012 and 144 Courts/ posts of regular Additional District & Sessions Judge to try Rape cases along with the cases under POCSO Act vide letter No. 2/2020/221/VII-Nyay-2-2020-62G/2013TC dated 25.01.2020. All the 218 Courts i.e. 74 exclusive POCSO Courts and 144 Courts to try rape cases along with the cases under the POCSO Act, created vide aforesaid G.O. dated 25.01.2020, have been made functional from the existing strength of the H.J.S. Cadre vide Court's Notification dated 18.02.2020 and 25.02.2020. Although, there was a delay of about 6-9 months in establishment and operationalising the FTSCs and exclusive POCSO.

Due to COVID-19 pandemic, though no much outcome / disposal can be seen presently, but when the situation returns normal setting up and operationalisation of FTSCs including exclusive POCSO courts, shall have a very positive impact on Fast Track Justice Delivery Mechanism. Although not much problems were faced by the high court in establishment and operationalisation of FTSCs including exclusive POCSO courts in the State and All the said 218 Courts have been established and operationalised including exclusive POCSO Courts.

4.3.10.6. Monitoring and Delivery Mechanism

High Court Registrar General informed that the Hon'ble the Chief Justice was pleased to constitute a committee comprising of two Hon'ble Judges vide his Lordship's order dated 18th December 2019 for monitoring the expeditious disposal of rape & Protection of Children from Sexual Offences Act cases. The said Hon'ble committee has been reconstituted comprising of three Hon'ble Judges vide his Lordship's order dated 04th May 2020. The Hon'ble Committee is regularly monitoring the expeditious disposal of such cases.

Based on the interaction held with the Lawyers it was informed that the average time taken from start of the filing of case to the judgment delivery is 365 to 730 days.

4.3.10.7. Delay in establishment and operationalisation of FTSCs including exclusive POCSO courts after receipt of the Central notification.

Upon Consideration of the letter dt-05th Sept 2019 of M/o Laws & Justice and State Govt. Letter dt-16th Sept 2019, It is requested to the State Government to create 144 Special Fast Track Courts. Vide another court's letter dt -23rd Sept 2019, it was requested to State Government to create one Exclusive Special courts in each district. Subsequently last reminder letter was sent to The State Government on 17th January 2020. Finally the State Government have established 74 exclusive special court / Posts of Additional District & Session Judge one in each district to try offences under POCSO Act 2012 and 144 Courts / Post of Regular Additional District & Session Judge to try rape cases along with the cases under POCSO Act vide letter no-2/2020/221/VII – Nyay -2-2020-62G/2013 TC dt-25th January 2020. All the 218 Courts i.e. 74 exclusive POCSO Courts and 144 Courts to try rape cases along with the cases under the POCSO Act created vide aforesaid G.O. dt- 25th January 2020, have been made functional from the existing strength of the H.J.S. cadre vide court's notification dt- 18th February 2020 and 25th February 2020.

4.3.10.8. Quarterly monitoring for cases handled by Fast Track Special Court/ Exclusive POCSO Court.

High Court Registrar General informed that the Hon'ble the Chief Justice was pleased to constitute a committee comprising of two Hon'ble Judges vide his Lordship's order dates 18th December 2019 for monitoring the expeditious disposal of rape & Protection of Children from Sexual Offences Act cases. The said Hon'ble committee has been reconstituted comprising of three Hon'ble Judges vide his Lordship's order dated 04th May 2020. The Hon'ble Committee is regularly monitoring the expeditious disposal of such cases.

Based on the interaction held with the Lawyers it was informed that the average time taken from start of the filling of case to the judgment delivery is 365 to 730 days.

4.3.10.9. Procedure of Appointment of the Presiding Officer and 7 staff members

Posting / Appointment of Presiding Officers in all the 218 FTSCs (74 Exclusive Courts & 144 Special Courts for trying the cases related to Rape & POCSO, created vide G.O. No-02/2020/221/saat –nyay-2-2020-62G/2013TC, dt- 25th January 2020) have been made from the existing working strength of Judicial Officers of HJS cadre.

After the consideration of the note dated 7th February 2020 along with G.O. No-02/2020/221/saat –nyay-2-2020- 62G/2013TC, NyayAnubhag 2, Lucknowdated 25th January 2020 regarding creation of 1744 post of officers and staffs in 218 regular courts for fast disposal of criminal cases and the rape cases pending in courts under POCSO Act 2012, The Hon'ble committee was pleased that the post (Jr Assistant, Orderly / Peon, Daftary) mentioned in the said G.O. be filled through out sourcing. Since High Court does not make any recruitment through outsourcing hence no action is needed in this regards.

4.3.10.10. LAWYER/ ADVOCATE OF ALLAHABAD HIGH COURT

During the field visit the NPC Team covered three Advocates from Ghaziabad District & Session Courts, Ghaziabad, UP. During discussion with the lawyers it could be gathered that they were not satisfied with the implementation of scheme..

According to lawyers the average time taken for the final judgment varies from 365 to 730 days.

4.3.10.11. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN UTTAR PRADESH

Adequacy of Manpower

According to lawyers the adequate manpower and infrastructure facilities are provided to them.

Implementation of the Scheme on FTSCs for expeditious disposal of Cases of Rape and POCSO Act in the state.

According to Registrar General Allahabad High Court, Due to COVID-19 pandemic, though no much outcome / disposal can be seen presently, but when the situation returns normal setting up and operationalization of FTSCs & POCSO courts, shall have a very positive impact on Fast Track Justice Delivery Mechanism. According to Lawyers there should be Separate building for FTSC & POCSO Courts

4.3.10.12. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCs INCLUDING EXCLUSIVE POCSO COURTS

- According to State Law Secretary, Government of UP, Power of transforming POCSO case to other Courts like FTSCs etc.
- According to Registrar General Allahabad High Court there was no major issues in operationalising FTSCs including exclusive POCSO courts and all the said 218 Courts has been established and operationalized.

4.3.10.13. ADDITIONAL SUPPORT MEASURES URGENTLY REQUIRED FROM CENTRAL GOVERNMENT.

According to State Law Secretary, Government of UP, computerization of witness summon delivery system.

As discussed with the Lawyers the additional supports needed are given below:

- Court should be increased and the date of case is so fixed that the preceding should be start.
- Quick judgment
- Judicial process should be maintained purity and on merit.
- Special Trail process should be maintained.

4.3.10.14. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE.

Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases from the various stake holders are given below:

State Law Secretary:

- More Funds
- Computer Operator should be given to special prosecutor & Exclusive courts.
- Direct Monitoring by special prosecutor not by DG.

High Court- Registrar General:

- It would be early to provide any suggestion in this regards.

Lawyers:

- Behavior of officers should be friendly with both advocates.
- Targeted responsibility on disposal of cases should be imposed on Judges
- Speedy Trail and Judicial Officer should be friendly with advocates.

4.3.11. STATE: GUJARAT**HIGH COURT: HIGH COURT OF GUJARAT, AHMEDABAD****4.3.11.1 Introduction**

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Gujarat was to setup 11 Special Fast Track Courts and 24 exclusive POCSO courts in the State. A total of 35 courts in the state were proposed to be setup, considering a total of 5677 Cases pending under Rape and POCSO Act as on 31.03.2018 and 6335 Cases pending trial under POCSO Act as on 30.06.2019. As informed by Register General of High Court, the given target of the setting up of the court according to the guidelines are completed by the Gujarat State.

List of exclusive POCSO Courts set up in the state are as given below:

S.No.	District	No. of Courts
1.	Ahmedabad (Rural)	02
2.	City Civil Court, Ahmedabad	05
3.	Anand	02
4.	Bhavnagar	02
5.	Mehsana	01
6.	Morbi	01
7.	Panchmahal at Godhra	01
8.	Gandhinagar	01
9.	Rajkot	02
10.	Surat	04
11.	Surendranagar	01
12.	Vadodara	02
	Total	24

List of FTSCs set up in the state are as given below:

S.No.	District	No. of Courts
1.	Ahmedabad (Rural)	01
2.	City Civil Court, Ahmedabad	02
3.	Anand	01
4.	Bhavnagar	01
5.	Mehsana	01
9.	Rajkot	02
10.	Surat	02
11.	Surendranagar	01
12.	Vadodara	01
	Total	11

The total number of Stakeholders covered during the field study is as follows:

High Courts	State	Fast Track Special Courts (FTSCs)	Exclusive POCSO courts	Judges (Nos.)	Lawyers (Nos.)	Litigants/ Witness (Nos.)
High Court of Gujarat	Gujarat	0	0	0	0	0

Note: Request from NPC Study Team to visit FTSCs/E POCSO Courts at district level for field survey was not approved by the State High Court.

4.3.11.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to Registrar General of High Court of Gujarat all the FTSCs and exclusive POCSO courts are setup as per the guidelines of the scheme and are functional at present. The details are given below:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
11	24	11	24	11	24

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
11	24	11	24	11	24

Source: State Government and High Court

4.3.11.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is completed by them. They have setup 11 FTSCs and 24 Exclusive POCSO courts. The year wise details of the cases as reported by the Gujarat High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Gujarat

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	1013	1117	2130
	E POCSO (Nos.)	2843	1028	3871
	Total (Nos)	3856	2145	6001
Number of cases Transferred	FTSC (Nos.)	1646	336	1982
	E POCSO (Nos.)	2194	601	2795
	Total (Nos)	3840	937	4777
Number of cases Taken up	FTSC (Nos.)	2322	1361	3683
	E POCSO (Nos.)	3374	1451	4825
	Total (Nos)	5696	2812	8508
Number of cases Disposed	FTSC (Nos.)	333	62	395
	E POCSO (Nos.)	638	110	748
	Total (Nos)	971	172	1143
Percent of Cases Disposed	FTSC (%)	32.87	5.55	18.54
	E POCSO (%)	22.44	10.7	19.32
	Total (%)	25.18	8.02	19.05

Source: State Government and High Court

As shown in the table above, during the year 2019-20 and 2020-21 (till 31st July 2020) the number of cases targeted were 3856 and 2145 respectively and number of disposed off cases for the same years were 971 and 172 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Gujarat

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	770	616	1386
		E POCSO (Nos.)	1680	1344	3024
		Total (Nos)	2450	1960	4410
	Number of cases Disposed	FTSC (Nos.)	333	62	395
		E POCSO (Nos.)	638	110	748
		Total (Nos)	971	172	1143
	Percent of cases Disposed (%)	FTSC (Nos.)	43.25	10.06	28.5
		E POCSO (Nos.)	37.98	8.18	24.74
		Total (Nos)	39.63	8.78	25.92

Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	1013	1117	2130
		E POCSO (Nos.)	2843	1028	3871
		Total (Nos)	3856	2145	6001
	Number of cases Disposed	FTSC (Nos.)	333	62	395
		E POCSO (Nos.)	638	110	748
		Total (Nos)	971	172	1143
	Percent of cases Disposed (%)	FTSC (Nos.)	32.87	5.55	18.54
		E POCSO (Nos.)	22.44	10.7	19.32
		Total (Nos)	25.18	8.02	19.05

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 2450 and disposed cases were 971. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 1960 and the number of cases disposed was only 172. The percent cases disposed for the year 2020-21 is 8.78%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Gujarat

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	3248	450	3698
	FTSCs Cases (No)	920	272	1192
	Exclusively POCSO Act cases (Nos.)	1875	433	2308
Total Number of Cases Disposed	Regular Courts Cases (No)	1881	57	1936
	FTSCs Cases (No)	192	24	216
	Exclusively POCSO Act cases (Nos.)	790	34	824
Total Number of Cases where conviction took place	Regular Courts Cases (No)	223	4	227
	FTSCs Cases (No)	25	1	26
	Exclusively POCSO Act cases (Nos.)	130	6	136
Percent Conviction to Disposal rate	Regular Courts Cases (%)	11.86	7.02	11.73
	FTSCs Cases (%)	13.02	4.17	12.04
	Exclusively POCSO Act cases (%)	16.46	17.65	16.5

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 11.86%, 13.02% and 16.46% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 7.02%, 4.17% and 17.65% respectively.

4.3.11.4 Financial Progress against the Target sets

According to State Law Secretary/ High court they have received the Central Share of Centrally Sponsored Scheme of an amount of Rs. 238.70 lakhs and State Share of Rs. 358.05 Lakhs was received by the State Law Department. All the FTSCs and exclusive POCSO court are functioning.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Gujarat

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	358.05	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	238.70	NA	NA	NA	NA	NA	NA
Funds Received by High Court	596.75	5/12/2019	5/12/2019	11	24	24/08/2020	NA

4.3.11.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The average annual expenditure incurred on operational cost per FTSC including exclusive POCSO court is given below:

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	Grant No .60 Major Head .2014- Administration of Justice Sub-Major Head. 00 Minor Head 105- Civil & Sessions Courts Sub Head 07- Fast Track Courts (CSS 60 : 40)	116.63 for 2019-20	

4.3.11.5 Monitoring and Delivery Mechanism

As informed by the High Court they have monitoring committee. As per Hon'ble Supreme Court of India Judgment dated 01/05/2018, in Writ Petition (Civil) 76/2018, a committee of three Hon'ble Judges of High Court has been constituted for the purpose of monitoring the FTSC including exclusive POCSO Courts. A letter vide 16/03/2020 has been forwarded to the 12 Districts, in which total 35 FTSC are working in the state of Gujarat, directing them to endeavor to decide the cases as expeditiously as possible.

4.3.11.6. Overall Assessment of the impact and Operation of the scheme in Gujarat

According to High Court the impacts of the scheme was positive and the impacts stated by them are given below:

- i. Yes, after establishment of such court, the cases of POCSO and Rape are reduced so far.
- ii. Yes, due to establishment and operationalisation of FTSCs pendency and new registration of cases are declined.
- iii. POCSO cases are tried speedily.
- iv. POCSO Courts have become sensitized and child friendly atmosphere is developed.
- v. More POCSO of cases under POCSO is reduced enabling the court to deal with such cases in more numbers.
- vi. Pendency has been declined and average time of disposal also declined.
- vii. After establishment and operationalisation of FTSCs including exclusive POCSO Courts, pendency of cases has reduced and disposal of cases for the period from November-19 to July-2020 has enhanced as compared to the inflow of POCSO / Rape cases lodged during the said period.
- viii. As the FTSC including exclusive POCSO courts are dealing with POCSO and Rape cases, the disposal of POCSO and rape cases has increased.
- ix. Due to establishment of FTSC exclusive POCSO Court, the POCSO Cases can be disposed off more speedily, but at present due to Covid-19 lockdown, regular trial cannot be proceeded and evidence cannot be taken in regular cases.
- x. There is decline in the case but at the same time, registration of the cases are also increasing daily.
- xi. The pendency of cases after the establishment of FTSCs and exclusive POCSO case has declined.

4.3.11.6.2. Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts

As informed by the High Court the major problems/ challenges faced by them are given below:

- i. Sometimes UTP are not presented on time before the court, therefore proceedings of the court gets delayed and process upon witnesses are not served within time.
- ii. Some victims are not traceable, FSL report and muddamal is not available in some UTP cases at the time of trial.
- iii. During the trial UTP accused are not provide before court, Summons where non – availability, transfer of witnesses arises.
- iv. Due to non production of accused from the jail custody, day to day hearing always not possible moreover, sometimes summons are not served in time and if served witnesses not present fix date.
- v. Burden on other judges in the cadre of District Judge is increased as no other criminal cases can be allotted to aforesaid special courts.
- vi. Sometimes due to non-co-operation from the bar, cases could be tried as per time schedule.
- vii. In most of the cases belong to labour class, originally resident of out of state. So it becomes difficult to secure their presence regularly during the trial.
- viii. FSL reports are not sent by FSL. Therefore trial can not commence and trial is delayed.
- ix. Recording of deposition of minor, deaf and dumb or mentally challenged victim is a challenge.

- x. This is a Special Court for POCSO, Considering all the facts the workload will be reduced, no any major problem arises while conducting the POCSO cases.
- xi. Lack of proper investigation by the IO and lack of proper support by prosecution to ensure presence of witness and too much delayed in FSL reports.
- xii. The major problem faced in operationalisation, FTCs is non-availability of original record or police papers on time/delay in filing original papers before the Court. Moreover, FTCs should exclusively be given criminal cases.

4.3.11.6.3. Additional support measures urgently required from Central Government

According to State Law Secretary the special budget for the expenditure for the infrastructure of the court room is required and according to the High Court additional support required by them are given below:

- i. Exclusive Video Conferencing facility should be provided to Jails and accused should be presented by Jail Authority through such V.C. Further separate process service mechanism is required.
- ii. Exclusive budget is required.
- iii. Special budget for the expenditure for the infrastructure of the court room.
- iv. Court should be Exclusively for POCSO and Rape cases.
- v. Infrastructure with trained staff.
- vi. Special, trained and skillful A.P.P.s.
- vii. The concerned Government may also frame the Rules for the accused/convict reformation.
- viii. Each FTSC be provided video conferencing facility so that cases of UTP can be conducted expeditiously.
- ix. For providing protection to the victims of POCSO Act/Rape, a special task force be created in the district and their representative may be deployed in each FTSC for coordinating with the Task Force in case of any need.
- x. More fund/grant is required from the Central Government for establishment of Special Courts.
- xi. Exclusive FSL lab, separate squad for investigating sexual offences specially POCSO cases and proper mechanism for attendance of victim and witnesses.
- xii. Requirement of more number of PPs as their absence hinder the disposal.

4.3.11.6.4. Modifications proposed in the scheme

According to the High Court Modification proposed in the scheme are given below:

- i. Special Authority should be appointed over process serving persons and it should be monitored by District Court.
- ii. The investigation officer should be remain present during the trail of the case.
- iii. Required speedy service of summons to the witness including I.O.
- iv. Ensure presence of accused, summons is served properly.
- v. The investigation of the POCSO cases should be allotted to the Police Officers not below the rank of Police Inspector.
- vi. A Special Medical, Rehabilitation and Counseling Centre may be provided for the victims of POCSO & Rape Cases.
- vii. If special Public Prosecutor are appointed for Special Court, then more POCSO cases can be disposed of.

- viii. Considering the present scenario, no modification is required for disposal of pending POCSO cases. So far effective disposal of POCSO cases is concerned, the Court should be special case only for POCSO case. Other cases should be distributed to other Judges.
- ix. Original record be sent at the time of committal of cases, number of PPs should be increased.

4.3.11.6.5. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE.

Suggestions for making the scheme more effective to meet its objection according to High Court is given below:

- i. The victim should be provided security till her deposition and legal guidance should be provided to both victim and sensitive witnesses.
- ii. The scheme may be extended at least for next two years for effective implementation of scheme.
- iii. Establishment of the separate service agency exclusively for this court.
- iv. Periodically official publication of data sharing of registration – pendency – disposed of cases, State wise, District wise, Court wise. Periodically interaction amongst stake holders courts investigating agencies, medical services, social services, research source persons and Government at both level : (Central and State).
- v. Deposition of victim is required to recorded as early as possible. And now a days virtual recording of evidence proceeding may be adopted.
- vi. To create awareness amongst members of Bar regarding provision of POCSO Act.
- vii. Regular workshop to be conducted.
- viii. Large publication of provisions of POCSO and I.P.C amongst public at large.
- ix. Training at regular interval to concerned Presiding Officers and APPs.
- x. Training at regular interval to implementing agency as well as investigation agency.
- xi. The number of specially designated courts may be increased, particularly lady judicial officers with lady public prosecutors with lady bench clerk may be appointed in such Courts.
- xii. Generally senior judges are appointed as a Spl. Judge, they have also administrative work, therefore it is requested that other senior judge who have no administrative work be appointed as a special judge.
- xiii. More exclusive POCSO courts are required in each district because along with the other matters like ACB, NDPS, Sessions cases, Civil appeals, MACP and other Misc. work and other Misc. administrative work. It is quite difficult to dispose of the POCSO and rape cases specially.
- xiv. Special Process server may be provided.
- xv. For this, the number of Special Court be increased for effective and speedy justice to the accused as well as to the victim. So far effective implementation is concerned, the strength of Judges as well as Courts be increased then the workload will be reduced.
- xvi. Exclusive FSL, lab, separate squad for investigating sexual offences specially POCSO cases and proper mechanism for attendance of victim and witnesses.

4.3.12 STATE: PUNJAB

HIGH COURT: PUNJAB & HARYANA HIGH COURT

4.3.12.1. Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Punjab was to setup 10 Special Fast Track Courts and 02 exclusive POCSO courts in the State. A total of 12 courts in the state were proposed to be setup, considering a total of 1902 Cases pending under Rape and POCSO Act as on 31.03.2018 and 1112 Cases pending trial under POCSO Act as on 30.06.2019.

List of FTSCs including exclusive POCSO Courts set up/functional in the state are as given below:

SI. No	Name of officer	Station
1.	Shri Krishan Kant Jain, Additional District and Sessions Judge on establishment of Fast Track Special Court to try the offences exclusively under POCSO Act.	Ludhiana
2.	Shri Aashish Abrol, Additional District and Sessions Judge on establishment of Fast Track Special Court to try the offences exclusively under POCSO Act.	Ludhiana
3.	Ms. Ranjeet Kaur, Additional District and Sessions Judge on establishment of Fast Track Special Court to try the offences exclusively under POCSO Act.	Jalandhar

4.3.12.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Punjab the target for setting up 10 Special Fast Track Courts and 02 exclusive POCSO courts. A total of 12 courts in the state were proposed to be setup was given for Punjab State. As per the information provided by the High Court during the visit of NPC team only 03 Exclusive POCSO courts are setup by the High Court and are functional.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
02	10	03	0	03	0

*Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
03	0	03	0	03	0

Source: High Court

4.3.12.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the they have setup only 03 exclusive POCSO court and no FTSCs was setup by the High Court and due to that the disposal rate of cases was below 60% for the year 2020-21. The year wise details of the cases as reported by the Punjab and Haryana High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Punjab & Haryana High Court (Punjab)

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	384	387	771
	Total (Nos)	384	387	771
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	384	387	771
	Total (Nos)	384	387	771
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	428	606	1034
	Total (Nos)	428	606	1034
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	41	210	251
	Total (Nos)	41	210	251
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	10.68	54.26	32.56
	Total (%)	10.68	54.26	32.56

Source: High Court

As shown in the table above, during the year 2020-21 (till 31st July 2020) the total number of targeted cases, number of cases taken up and number of cases disposed for exclusive POCSO courts were 387, 606 and 210 respectively. The number of cases disposed off in the same year is only 210 and percent disposal rate is only 54.26%.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Punjab & Haryana High Court (Punjab)

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	700	560	1260
		E POCSO (Nos.)	140	112	252
		Total (Nos)	840	672	1512
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	41	210	251
		Total (Nos)	41	210	251
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	29.29	187.5	99.6
		Total (Nos)	4.88	31.25	16.6
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	384	387	771
		Total (Nos)	384	387	771
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	41	210	251
		Total (Nos)	41	210	251
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	10.68	54.26	32.56
		Total (Nos)	10.68	54.26	32.56

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 840 and disposed cases were 41. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 672 and the number of cases disposed were 210. The percent cases disposed for the year 2020-21 is 31.25%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Punjab & Haryana High Court (Punjab)

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	88139	17986	106125
	FTSCs Cases (No)	523	951	1474

	Exclusively POCSO Act cases (Nos.)	903	1008	1911
Total Number of Cases Disposed	Regular Courts Cases (No)	66207	11060	77267
	FTSCs Cases (No)	62	481	543
	Exclusively POCSO Act cases (Nos.)	568	489	1057
Total Number of Cases where conviction took place	Regular Courts Cases (No)	4893	100	4993
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	170	19	189
Percent Conviction to Disposal rate	Regular Courts Cases (%)	7.39	0.90	6.46
	FTSCs Cases (%)	0.00	0.00	0.00
	Exclusively POCSO Act cases (%)	29.93	3.89	17.88

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 7.39%, 0.00% and 29.93% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 0.90%, 0.00% and 3.89% respectively.

4.3.12.4. Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have not received any Grant-in-Aid/ Financial Assistance from State Government for setting up of FTSCs under Centrally Sponsored Scheme.

Table: Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Punjab

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)
Central Share Received by State Govt.	135.00*	-	-	-	-	-
State Share Released by State Govt.	-	-	-	-	-	-
Funds Received by High Court	-	-	-	-	-	-

*Rs.135 lakhs released by Department of Justice to the State Government for 12 FTSCs and 02 EPOCSO Courts

4.3.12.4.1. Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The officials of the High Court informed that they have not received funds from State Governments under Centrally Sponsored Scheme.

4.3.12.5. Monitoring and Delivery Mechanism

High court informed that no quarterly monitoring undertaken on operation and cases handled by FTSCs including exclusive POCSO courts. High Court has not formed Monitoring Committee for monitoring of Establishing & Operationalising FTSCs including exclusive POCSO courts. Monthly report regarding institution, disposal and pendency is being compiled so received from concerned FTSCs and the same is being uploaded on monthly basis on the web portal of website of Ministry of Law & Justice.

4.3.12.6. FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICERS OF PUNJAB & HARYANA HIGH COURT (PUNJAB)

4.3.12.6.1. JALANDHAR EXCLUSIVE POCSO COURT

Major problems/Challenges faced in operationalizing FTSCs including exclusive POCSO courts.

According to the Presiding Officers, he found difficulty in procuring the presence of the witnesses. In most of the cases, got registered by the complainants who belong to different States. They left their addresses without disclosing their destinations and even the police authorities especially investigating officer found it difficult to know the whereabouts of the witnesses. Even the presence of the witnesses, many times is hampered by the visits of the VIPs as well as for many other reasons. The official witnesses are deputed and assigned different duties, which usually causes delay in the disposal of matter. Usually, there is inordinate delay in receiving the reports from the office of chemical examiner.

Modifications proposed in the scheme.

According to Presiding Officer there is no modification is required in the scheme. However, for effective implementation of the scheme in coming years, there must be specific direction to the head of the Police Department of the concerned district to direct the official witnesses to attend the court proceedings on the date fixed by the court and it must be ensured that the official witnesses, who are required to appear as witness, are not assigned any official duty on the date fixed by the court. There should be specific direction directions to the lawyers, who conduct these cases. Their presence on the date of hearing must be ensured by the lawyers. The office of chemical examiner must be directed to submit the reports in time without any delay.

Suggestions for making the scheme more effective.

The suggestions given by Presiding Officer are given below:

- i. To make the scheme more effective and to meet the objective of ensuring targeted Fast Track justice for disposal of these cases and there must be separate agency to serve the summons upon the witnesses of thesis cases.
- ii. The FSL chemical examiner office should be at district level so theta the reports could be submitted without any delay.
- iii. There must be special cadre for the officers, who are supposed to deal with these particular cases, if it is done, it would certainly increase the disposal and would result into substantial decrease in pending cases.

4.3.12.6.2. LUDHIANA EXCLUSIVE POCSO COURT

Assessment of Operation of the FTSCs/ exclusive POCSO courts on improved access to justice.

According to Presiding Officer the registration of new cases has not declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts. But the pendency of the cases in sessions and district courts has declined prior to March 2020 after the establishment and operationalisation of the FTSCs including exclusive POCSO courts, but after the imposition of curfew/lockdown due to the pandemic COVID-19, the trial of the cases registered under the POCSO

Act has stagnated, however as and when the situation will normalize, this court is of the opinion that the pendency of cases in sessions and district courts will certainly come down.

Major problems/Challenges faced in operationalizing FTSCs including exclusive POCSO courts.

According to Presiding Officer the major problem/challenges faced in the operation of FTSCs including exclusive POCSO courts is the non appearance of official prosecution witnesses, although every efforts are made by the court to procure the presence of official prosecution witnesses, but sometimes the reasons for non appearance of the official prosecution witnesses in the court is genuine as they are hard pressed for other VIP duties, mela duties and other law and order duties.

Additional support measures urgently required from Central Government.

As informed by the Presiding Officer a special training to the investigation officers who instigate the cases registered under the POCSO Act and a special team who has got special training to investigate the cases in scientific quick and time bound manner.

Modifications proposed in the scheme.

According to the presiding officer adequate number of specialized courts to deal with such cases, availability of more laboratories so that chemical reports are received at the earliest, availability of panel of counselors, child experts etc and victim friendly investigating agency who has scientific approach may be added as the modification to the scheme.

Suggestions for making the scheme more effective.

The suggestions given by Presiding Officer is given below:

- i. Adequate number of more specialized courts to deal with such cases.
- ii. Availability of more laboratories so that chemical reports are received at the earliest.
- iii. Availability of panel of counselors, child experts etc.
- iv. Victim friendly investigating agency who has scientific approach.

4.3.12.7. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN PUNJAB

Adequacy of Manpower

As informed by all the stakeholders adequate manpower is provided to them by the State Government.

Availability of Infrastructure with the court for keeping Records, Photocopy, Computer, etc

According to Presiding Officers and Lawyers adequate office infrastructure is available with them.

Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism

According to High Court- Registrar General according to them the impact of operationalisation of FTSCs including exclusive POCSO courts on fast track judicial delivery mechanism is positive. Pendency of cases has increased due to pandemic.

4.3.12.8. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALIZING FTSCS INCLUDING EXCLUSIVE POCSO COURTS

Problem and Challenges faced in operationalizing FTSCs including exclusive POCSO courts by High court are given below:

High Court- Registrar General

- Delay in submitting challan by police
- Delay in receiving expert opinion including FSL reports etc
- Service of witnesses
- All stakeholders need to be made more aware regarding special provisions with regard to conduct of these trials

4.3.12.9. ADDITIONAL SUPPORT MEASURES URGENTLY REQUIRED FROM CENTRAL GOVERNMENT

According to High Court additional support measures urgently required from Central Government in the setting up and perationalizing the FTSCs including exclusive POCSO courts in the state are stated below:

High Court- Registrar General

- Female social child psychiatrist or worker to be present in court at the time of recording of evidence
- Provision for interim relief as in acid attack cases
- Separate room for prosecutrix and child witnesses
- More financial aid may be provided/given by central govt
- Separate and dedicated summoning staff is required
- Special police unit is required for investigating rape cases and cases under POCSO Act

4.3.12.10. MODIFICATIONS PROPOSED IN THE SCHEME

Modifications proposed in the scheme for disposal of pending rape & POCSO Act cases by the all the stakeholders are given below:

High Court- Registrar General

- For speedy and effective disposal of heinous offences, the more graver offences under POCSO Act i.e. under Sections 4 and 6 may be segregated from other offences for the purpose of trial through special courts
- Special training sessions for police officials, court staff and summoning staff are required

- Segregated summoning staff is required
- Strict action should be taken against the investigating officer who delete the section 'without advice of special prosecutor'
- Challan to be forwarded only by Special Prosecutor of the concerned court. As of now, challan is forwarded by PP other than Special Prosecutor.

4.3.12.11. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE

Suggestions by the High Court for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases, for its effective implementation in the coming years and speedy disposal of cases in the State is stated below:

High Court- Registrar General

- DNA reports to be expedited
- Investigations in these cases should be given priority
- Special Agency should be formed which would ensure presence of witnesses on the date of hearing headed by Female and Vehicle
- Limited number of trials with the courts and day to day trial of cases should prove effective in achieving objective with which FTSCs have been established
- Separate and dedicated summoning staff is required
- Special police unit is required for investigating rape cases and cases under POCSO Act
- Special training sessions for police officials, court staff and summoning staff are required
- Segregated summoning staff is required.

4.3.13. STATE/UT: CHANDIGARH

HIGH COURT: PUNJAB & HARYANA HIGH COURT

4.3.13.1. Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the total allocation for Chandigarh, considering a total of 98 Cases pending under Rape and POCSO Act as on 31.03.2018 and 59 Cases pending trial under POCSO Act as on 30.06.2019 the target for setting up 01 Special Fast Track Court in the UT.

List of FTSCs including exclusive POCSO Courts set up/functional in the state are as given below:

Sr. No	Name of officer	Station
1.	Additional District & Session Judge on Setting up of Fast Track special court for expeditious disposal of Rape & POCSO Act cases	Chandigarh

4.3.13.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Court

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Chandigarh the target for setting up 01 Special Fast Track Court. As per the information provided by the High Court during the visit of NPC team the FTSCs was started w.e.f 27.07.2020.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
01	00	00	00	00	00

Source: Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
01	00	00	00	00	00

Source: High Court

4.3.13.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that they have setup 01 FTSC as per the guidelines of Central Government and it started w.e.f 27.07.2020. Therefore, there was no details about cases was provided.

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Punjab & Haryana High Court (Chandigarh)

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	0	0
Number of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	0	0

Transferred	Total (Nos)	0	0	0
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	0	0
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	0	0
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	0	0	0
	Total (%)	0	0	0

Source: High Court

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Punjab & Haryana High Court (Chandigarh)

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	70	56	126
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Punjab & Haryana High Court (Chandigarh)

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	240	17	257
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	1	0	1
Total Number of Cases Disposed	Regular Courts Cases (No)	156	4	160
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	0	0	0
Total Number of Cases where conviction took place	Regular Courts Cases (No)	75	2	77
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	0	0	0
Percent Conviction to Disposal rate	Regular Courts Cases (%)	48.08	50.00	48.13
	FTSCs Cases (%)	0.00	0.00	0.00
	Exclusively POCSO Act cases (%)	0.00	0.00	0.00

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 48.08%, 0.00% and 0.00% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 50.00%, 0.00% and 0.00% respectively.

4.3.13.4. Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have not received any Grant-in-Aid/ Financial Assistance from State Government for setting up of FTSCs under Centrally Sponsored Scheme.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Chandigarh

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	18.75*	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	NA	NA	NA	NA	NA	NA	NA
Funds Received by High Court	NA	NA	NA	NA	NA	NA	NA

*Rs 18.75 lakhs released by Department of Justice to the State Government for 1 FTSCs

4.3.13.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The officials of the High Court informed that they have not received funds from State Governments under Centrally Sponsored Scheme.

4.3.13.5. Monitoring and Delivery Mechanism

High court informed that no quarterly monitoring undertaken on operation and cases handled by FTSCs including exclusive POCSO courts. High Court has not formed Monitoring Committee for monitoring of Establishing & Operationalising FTSCs including exclusive POCSO courts. Monthly report regarding institution, disposal and pendency is being compiled so received from concerned FTSCs and the same is being uploaded on monthly basis on the web portal of website of Ministry of Law & Justice.

4.3.13.6. FIELD SURVEY FINDINGS: FEEDBACK RECEIVED FROM PRESIDING OFFICER OF PUNJAB & HARYANA HIGH COURT (CHANDIGARH)

4.3.13.6.1 CHANDIGARH FTSC

Assessment of Operation of the FTSCs/ exclusive POCSO courts on improved access to justice.

According to the court the impact of the scheme was positive. Though, the impact was positive, but due to restrictive work in courts during Pandemic COVID-19 it could not achieve the desired result with regards to disposal of the cases in last six month. As soon as, situation gets normal then definitely, there would be increase in the disposal of the cases and pendency will reduce.

So far registration of new cases is concerned, the FTSCs have little role to play. Despite stringent provisions and conviction by the courts in the rape cases, there is no expected decrease in the crime and number of such cases are on rising side. This problem cannot be handled by the law and courts alone as it has socio economic aspect also. To tackle the registration/ new institution of such cases the socio- economic aspects behind increasing rape crime is required to be examined.

Major problems/Challenges faced in operationalizing FTSCs including exclusive POCSO courts.

As informed by the Court the major/ challenge in operationalising these courts is to curtail the unnecessary adjournments sought by the counsels and to endure presence of the witnesses on the date fixed. For this judicial officer has to be innovative.

Additional support measures urgently required from Central Government.

According to the court CFSL reports in such cases should be time bound and if CFSL lack infrastructure then thrust should be on that side.

Modifications proposed in the scheme.

As informed by the Court the scheme is sufficient in itself. The matters/cases can be disposed of with proper court management. The Presiding officer can manage the cause list qua number of the witness

to be examined per day and nature of witness whether material or formal and also refusing unnecessary adjournments and examine the witness present in the court.

4.3.13.7. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN CHANDIGARH

Adequacy of manpower

As informed by all the stakeholders' adequate manpower is provided to them by the State Government.

Availability of infrastructure with the Court for keeping Records, Photocopy, Computer, etc

According to Presiding Officers and Lawyers adequate office infrastructure is available with them.

Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism.

According to High Court- Registrar General according to them the impact of operationalisation of FTSCs including exclusive POCSO courts on fast track judicial delivery mechanism is positive. Pendency of cases has increased due to pandemic.

4.3.13.7.4. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALIZING FTSCS INCLUDING EXCLUSIVE POCSO COURTS

Problem and Challenges faced in operationalizing FTSCs including exclusive POCSO courts by High court are given below:

High Court- Registrar General

- Delay in submitting challan by police
- Delay in receiving expert opinion including FSL reports etc
- Service of witnesses
- All stakeholders need to be made more aware regarding special provisions with regard to conduct of these trials

4.3.13.7.5. ADDITIONAL SUPPORT MEASURES URGENTLY REQUIRED FROM CENTRAL GOVERNMENT IN THE SETTING UP AND PERATIONALIZING THE FTSCS INCLUDING EXCLUSIVE POCSO COURTS IN THE STATE

According to High Court additional support measures urgently required from Central Government in the setting up and perationalizing the FTSCs including exclusive POCSO courts in the state are stated below:

High Court- Registrar General

- Female social child psychiatrist or worker to be present in court at the time of recording of evidence
- Provision for interim relief as in acid attack cases

- Separate room for prosecutrix and child witnesses
- More financial aid may be provided/given by central govt
- Separate and dedicated summoning staff is required
- Special police unit is required for investigating rape cases and cases under POCSO Act

4.3.13.7.6. MODIFICATIONS PROPOSED IN THE SCHEME

Modifications proposed in the scheme for disposal of pending rape & POCSO Act cases by the all the stakeholders are given below:

High Court- Registrar General

- For speedy and effective disposal of heinous offences, the more graver offences under POCSO Act i.e. under Sections 4 and 6 may be segregated from other offences for the purpose of trial through special courts
- Special training sessions for police officials, court staff and summoning staff are required
- Segregated summoning staff is required
- Strict action should be taken against the investigating officer who delete the section 'without advice of special prosecutor'
- Challan to be forwarded only by Special Prosecutor of the concerned court. As of now, challan is forwarded by PP other than Special Prosecutor.

4.3.13.7.7. SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE

Suggestions by the High Court for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases, for its effective implementation in the coming years and speedy disposal of cases in the State is stated below:

High Court- Registrar General

- DNA reports to be expedited
- Investigations in these cases should be given priority
- Special Agency should be formed which would ensure presence of witnesses on the date of hearing headed by Female and Vehicle
- Limited number of trials with the courts and day to day trial of cases should prove effective in achieving objective with which FTSCs have been established
- Separate and dedicated summoning staff is required
- Special police unit is required for investigating rape cases and cases under POCSO Act
- Special training sessions for police officials, court staff and summoning staff are required
- Segregated summoning staff is required.

4.3.14 STATE: ANDHRA PRADESH

HIGH COURT: HIGH COURT OF ANDHRA PRADESH

4.3.14.1 Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual

Offences (POCSO) Act, considering a total of 2811 Cases pending under Rape and POCSO Act as on 31.03.2018 and 2729 Cases pending trial under POCSO Act as on 30.06.2019 the target for setting up 10 Special Fast Track Courts and 08 exclusive POCSO courts in the State. A total of 18 courts in the state were proposed to be setup was given for Andhra Pradesh State.

List of FTSCs set up/functional in the state are as given below:

S.No.	Name of the Exclusive POCSO Courts
1.	Chittoor
2.	East Godavaru
3.	Guntur
4.	Krishna
5.	SPS Nellore
6.	Prakasam
7.	Vishakhapatnam
8.	West Godavari

4.3.14.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Andhra Pradesh was to setup 10 Special Fast Track Courts and 08 exclusive POCSO courts in the State. The details are given below in the table:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
08	10	08	0	08	0

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
08	13	08	0	08	0

Source: High Court

4.3.14.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is yet to be completed. Only 08 Exclusive POCSO courts have to be setup by them. The year wise details of the cases as reported by the High Court of Himachal Pradesh are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Andhra Pradesh

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	1765	1619	3384
	E POCSO (Nos.)	0	2570	2570
	Total (Nos)	1765	4189	5954
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	2340	0	2340
	Total (Nos)	2340	0	2340
Number of cases Taken up	FTSC (Nos.)	447	119	566
	E POCSO (Nos.)	414	331	745
	Total (Nos)	861	450	1311
Number of cases Disposed	FTSC (Nos.)	593	118	711
	E POCSO (Nos.)	184	85	269
	Total (Nos)	777	203	980
Percent of Cases Disposed	FTSC (%)	33.6	7.29	21.01
	E POCSO (%)	0	3.31	10.47
	Total (%)	44.02	4.85	16.46

Source: High Court

As shown in the table above, during the year 2020-21 (till 31st July 2020) the number of cases taken up and number of cases disposed were 450 and 203 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Andhra Pradesh

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be	Target of cases	FTSC (Nos.)	700	560	1260
		E POCSO (Nos.)	560	448	1008
		Total (Nos)	1260	1008	2268

operationalised by the State as per Scheme Guidelines	Number of cases Disposed	FTSC (Nos.)	593	118	711
		E POCSO (Nos.)	184	85	269
		Total (Nos)	777	203	980
	Percent of cases Disposed (%)	FTSC (Nos.)	84.71	21.07	56.43
		E POCSO (Nos.)	32.86	18.97	26.69
		Total (Nos)	61.67	20.14	43.21
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	1765	1619	3384
		E POCSO (Nos.)	-	2570	2570
		Total (Nos)	1765	4189	5954
	Number of cases Disposed	FTSC (Nos.)	593	118	711
		E POCSO (Nos.)	184	85	269
		Total (Nos)	777	203	980
	Percent of cases Disposed (%)	FTSC (Nos.)	33.6	7.29	21.01
		E POCSO (Nos.)	-	3.31	10.47
		Total (Nos)	44.02	4.85	16.46

According to the guidelines of the scheme it has been shown in the table above that targeted cases during the year 2019-20 was 1260 and disposed cases were 777. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 1008 and the number of cases disposed were only 203. The percent cases disposed for the year 2020-21 is 20.14%.

4.3.14.4. Financial Progress against the Target sets

As informed by the Registrar General of High Court the Government of Andhra Pradesh has not released additional funds towards FTSCs including exclusive POCSO court during the financial year 2019-20 and 2020-21 and the expenditure of the above said courts is being met from the regular budget allotted to the Civil & Session Courts by the Government of Andhra Pradesh. As per the Department of Justice Rs. 180.00 lakhs was released by the State Government for setting up of 18 FTSCs and 08 EPOCSO Courts.

4.3.14.5. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN ANDHRA PRADESH

4.3.14.5.1. Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts.

According to High Court the Director of Treasuries and Accounts, Government of A.P., in his Memo No. FINO2 18022/22/2020-H SEC-DTA dated 5.6.2020, while returning the bills in respect of the staff of the Special Courts established under POCSO Act, requested to produce the orders wherein Financial Concurrence has been accorded for the newly created / sanctioned posts to those Special Courts. For want of financial concurrence of the posts sanctioned for the Special Court, no separate staff could be appointed on outsourcing basis. Technical training must be given to the staff members as the Special Court has been established with technical equipment by providing Special room for victim girl and accused.

4.3.14.5.2 Additional support measures urgently required from Central Government.

As informed by the High Court a woman videographer be provided to record the Statements of Victims under POCSO Act, under Section 164 Cr.P.C. with required video instruments and a Regular Lady Officer and Public Prosecutor should be appointed without delay and that the infrastructure of the Court should be in all facilities and to provide protective environment for every child victim and to establish the establishment to conduct Awareness Programs of the settled Law to protect the child victims.

4.3.14.5.3.SUGGESTIONS FOR MAKING THE SCHEME MORE EFFECTIVE

The suggestions given by High Court are given below:

- i. It would be ideal if a Special Investigation Team, headed by a Woman Police Officer, is constituted for each District, to investigate the offences under POCSO Act.
- ii. Vulnerable places in each village & town be identified for the sake of policing the same.
- iii. In most of the cases victims are turning hostile due to poverty etc., if the victims are shifted to rescue homes and provide food, shelter, clothing and education, the object will be effectively implement.
- iv. Free and Fair trial should be done in a speedy and time bounded manner
- v. Instructions should be given to the Prosecution Agency to adhere the directions of the Court for speedy investigation and filing of charge sheet within the stipulated period to give moral support to the victim child to await to room around the Police stations and courts.
- vi. The protective environment for every child should be provided within the vicinity of court Building and to inculcate "Sense of Dignity of Women" to the Victim to support free and fair trial.

4.3.15 STATE: CHHATTISGARH

HIGH COURT: HIGH COURT OF CHHATTISGARH

4.3.15.1. Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Himachal Pradesh was to setup 04 Special Fast Track Courts and 11 exclusive POCSO courts in the State. A total of 15 courts in the state were proposed to be setup, considering a total of 2360 Cases pending under Rape and POCSO Act as on 31.03.2018 and 2611 Cases pending trial under POCSO Act as on 30.06.2019.

List of Exclusive POCSO Courts set up/functional in the state are as given below:

S.No.	Name of the Districts	Name of the Courts
1	Balrampur at Ramanujganj	FTSC,Ramanujganj
2	Bemetara	FTSC, Bemetara
3	Bilaspur	Ist FTSC Bilaspur
4		Iind FTSC, Bilaspur

5	Durg	Ist FTSC, Durg
6		IInd FTSC, Durg
7		IIIrd FTSC, Durg
8		VIth FTSC, Durg
9	Mungeli	Ist ADJ, Mungeli
10	Raipur	Ist FTSC, Raipur
11		IInd FTSC, Raipur
12	Rajnandgaon	FTSC, Rajnandgaon
13	Suguja at Ambikapur	FTSC, Ambikapur

List of FTSCs set up/functional in the state are as given below:

S.No.	Name of the Districts	Name of the Courts
1	Janjgir- Champa	FTSC, Sakti
2	Koriya at Baikunthpur	FTSC, Manendragarh
3	Raipur	FTSC Gariyaband
4	Surajpur	FTSC, Surajpur

4.3.15.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

As informed by the Registrar General of High Court, The scheme was placed before Hon ble Standing Committee for consideration Hon'ble Standing Committee identified the districts where said FTSCs to be established in the State. After due consideration a recommendation was sent to the State Government vide Registry memo no. 10665 dated 30/09/2019. The State Government issued a notification in this regard on 05/11/2019.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
11	04	13	04	13	04

Source: Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
13	04	13	04	13	04

Source: High Court

4.3.15.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court, number of cases disposed of in the year 2020-21 was only 10. The year wise details of the cases as reported by the Rajasthan High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Chhattisgarh

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	0	0
Number of cases Transferred	FTSC (Nos.)	476	46	522
	E POCSO (Nos.)	1834	188	2022
	Total (Nos)	2310	234	2544
Number of cases Taken up	FTSC (Nos.)	476	404	880
	E POCSO (Nos.)	1834	1730	3564
	Total (Nos)	2310	2134	4444
Number of cases Disposed	FTSC (Nos.)	118	8	126
	E POCSO (Nos.)	292	2	294
	Total (Nos)	410	10	420
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	0	0	0
	Total (%)	0	0	0

*Source: High Court

As shown in the table above, the total number of cases taken up and number of cases disposed in the year 2019-20 were 2310 and 410 respectively and for the 2020-21 are 2134 and 10 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Chhattisgarh

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts	Target of cases	FTSC (Nos.)	280	224	504
		E POCSO (Nos.)	770	616	1386
		Total (Nos)	1050	840	1890
Number of	FTSC (Nos.)		118	8	126

to be operationalised by the State as per Scheme Guidelines	cases Disposed	E POCSO (Nos.)	292	2	294
		Total (Nos)	410	10	420
	Percent of cases Disposed (%)	FTSC (Nos.)	42.14	3.57	25
		E POCSO (Nos.)	37.92	0.32	21.21
		Total (Nos)	39.05	1.19	22.22
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0
	Number of cases Disposed	FTSC (Nos.)	118	8	126
		E POCSO (Nos.)	292	2	294
		Total (Nos)	410	10	420
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0	0

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 1050 and disposal rate was 39.05%. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 2840 and the number of cases disposed were 10 only. The percent cases disposed for the year 2020-21 is 1.19% which is on very lower side. The High court should speed up the disposal rate of courts in the state for faster delivery of cases.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Chhattisgarh

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	14065	1469	15534
	FTSCs Cases (No)	475	47	522
	Exclusively POCSO Act cases (Nos.)	1951	188	2139
Total Number of Cases Disposed	Regular Courts Cases (No)	11401	1330	12731
	FTSCs Cases (No)	118	8	126
	Exclusively POCSO Act cases (Nos.)	292	2	294
Total Number of Cases where conviction took place	Regular Courts Cases (No)	1612	13	1625
	FTSCs Cases (No)	28	0	28
	Exclusively POCSO Act cases (Nos.)	103	1	104
Percent Conviction to Disposal rate	Regular Courts Cases (%)	14.14	0.98	12.76
	FTSCs Cases (%)	23.73	0	22.22
	Exclusively POCSO Act cases (%)	35.27	50	35.37

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 14.14%, 23.73% and 35.27% respectively.

Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 6.91%, 0.00% and 12.50% respectively.

4.17.4. Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have received any Grant-in-Aid/ Financial Assistance of Rs. 1000.00 Lakhs in financial year 2019-20 and Rs. 877.00 Lakhs in the financial year 2020-21 and the central assistance received by them was delayed by two months. The financial details are given below in the table:

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Chhattisgarh

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of Fast Track Special Courts (FTSCs)	Number of Exclusive POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	168.75	-	-	-	-	-	-
State Share Released by State Govt.	-	-	-	-	-	-	-
Funds Received by High Court	1000.00	24/12/2019	2019-20	-	-	-	-
	877.00	Govt.of Chhattisgarh, Law & Legislative Affairs Deptt., Mantralaya, Atal Nagar Nawa Raipur , Memo no.3196/01/21- Budget	2020-21				

*Rs. 168.75 lakhs released by Department of Justice to the State Government for 15 FTSCs and 11 EPOCSO Courts

4.3.15.4.1. Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

As reported by High court the average annual expenditure incurred under different heads is given below in the table.

Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts per year

S.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	Demand No. 29-2014- Administration of Justice(105) Civil & Sessions Court 0701- Centrally Sponsored Scheme Normal (6356) Fast Track Special Courts & POCSO	F.Y.2019-20 Expenditure Rs.74,39,233/- (Rs. Seventy-Four Lakh Thirty-Nine Thousand Two Hundred Thirty Three

		Only)
2	Demand No. 29-2014- Administration of Justice(105) Civil & Sessions Court 0701- Centrally Sponsored Scheme Normal (6356) Fast Track Special Courts & POCSO	F.Y.2020-21 Expenditure (month, June 2020) Rs.1,21,86,091/-

4.3.15.5. Monitoring and Delivery Mechanism

High court informed that they are doing quarterly monitoring of the cases. The Hon ble High Court of C.G. vide order no. 92 dated 22.01.2020 has constituted a Special Cell to monitor rape cases and cases under POCSO Act This Cell Monitors the progresses of such cases and issues necessary directions. Copy of order dated 22.01.2020 along with corrigendum dated 04.02.2020. After establishment of Special Cell, report regarding pendency and disposal of such (rape cases and POCSO Cases) was obtained for Monitoring On 05.02.2020 a video conference was conducted to communicate with all concerning courts in this regard. Also a Semi Official letter was issued to all the District Judges of respective districts with direction to look into and co-ordinate with the Judicial officers manning the Special Court and other regular courts and to ensure that the POCSO cases be disposed of within the limit.

The matter for monitoring of the Establishing & Operationlising FTSCs including exclusive POCSO Courts is being examined by the Standing Committee of this High Court . Recently Hon' ble the Standing Committee has recommended the State Government to establish 02 more exclusive FTSCs of Additional District & Sessions judge at Balod and Balodabazar for exclusive trial of cases under POCSO Act. The same has been established by the State Government vide Notification Endt no. 6110/1878/21-C.G./20,dated 21/07/2020.

4.3.15.6 OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN CHHATTISGARH

As informed by the High Court they do not have sufficient infrastructure and manpower to operationalize FTSCs including exclusive POCSO courts.

4.3.16.STATE: KERALA

HIGH COURT: HIGH COURT OF KERALA

4.3.16.1. Introduction

As informed by the High Court, only 17 FTSCs are functional w.e.f. 1.07.2020 and no Exclusive POCSO court has been operational and functional there has been delay of 6-9 months after receipt of central Government notification. The reason for the delay was problem in identifying suitable building, delay in carrying out partition/ modification works etc, the Courts could not commence in the stipulated time and unexpected lockdown due to COVID-19.

List of FTSCs set up/functional in the state are as given below:

S.No.	Name of the Fast Track Court
1.	Fast Track Special Court, Attingal
2.	Fast Track Special Court, Karunagappally
3.	Fast Track Special Court, Pathanamthitta
4.	Fast Track Special Court, Haripad
5.	Fast Track Special Court, Kottayam
6.	Fast Track Special Court, Changanacherry
7.	Fast Track Special Court, Idukki at Painavu
8.	Fast Track Special Court, Kattappana
9.	Fast Track Special Court, Perumbavoor
10.	Fast Track Special Court, Kunnankulam
11.	Fast Track Special Court, Pattambi
12.	Fast Track Special Court, Perinthalmanna
13.	Fast Track Special Court, Kozhikode
14.	Fast Track Special Court, Koyilandy
15.	Fast Track Special Court, Kalpetta
16.	Fast Track Special Court, Thalassery
17.	Fast Track Special Court, Taliparamba

4.3.16.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Kerala the target for setting up 42 Fast Track Special Courts and 14 exclusive POCSO courts. A total of 56 courts in the state were proposed to be setup was given for Kerala State. As per the information provided by the High Court, only 17 FTSCs are functional w.e.f. 1.07.2020 and no Exclusive POCSO court has been operational and functional there. The details are given below in the table:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
14	42	Nil	17	Nil	17

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
Nil	28	Nil	17	Nil	17

*Source: High Court

4.3.16.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target for cases given to them is 15 cases per month but the FTSCs are functional from 01.07.2020 only and there was no courts setup in the year 2019-20. The cases disposed of in the month of July was only 1. Hence, the courts were operational from 1.07.2020 only so the disposal of cases is very low. The year wise details of the cases as reported by the Kerala High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Kerala

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	15 cases per month	0
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	0	0
Number of cases Transferred	FTSC (Nos.)	0	2465	2465
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	2465	2465
Number of cases Taken up	FTSC (Nos.)	0	2465	2465
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	2465	2465
Number of cases Disposed	FTSC (Nos.)	0	1	1
	E POCSO (Nos.)	0	0	0
	Total (Nos)	0	1	1
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	0	NA	NA
	Total (%)	0	NA	NA

*Source: High Court

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Kerala

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	2940	2352	5292
		E POCSO (Nos.)	980	784	1764
		Total (Nos)	3920	3136	7056
	Number of cases Disposed	FTSC (Nos.)	0	1	1
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	1	1
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0.04	0.01
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	0.03	0.01
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	15 cases per month	-
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	NA	NA
	Number of cases Disposed	FTSC (Nos.)	0	1	-
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	1	-
	Percent of cases Disposed (%)	FTSC (Nos.)	0	NA	NA
		E POCSO (Nos.)	0	0	0
		Total (Nos)	0	NA	NA

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Kerala

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	5534	1203	6737
	FTSCs Cases (No)	0	1146	1146
	Exclusively POCSO Act cases (Nos.)	2693	1437	4130
Total Number of Cases Disposed	Regular Courts Cases (No)	3106	1302	4408
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	1352	377	1729
Total Number of Cases where conviction took place	Regular Courts Cases (No)	174	23	197
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	89	18	107
Percent Conviction to	Regular Courts Cases (%)	5.6	1.77	4.47

Disposal rate	FTSCs Cases (%)	0	0	0
	Exclusively POCSO Act cases (%)	6.58	4.77	6.19

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 5.60%, 0.00% and 6.58% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 1.77%, 0.00% and 4.77% respectively.

4.3.16.4. Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have received any Grant-in-Aid/ Financial Assistance of Rs. 360.00 Lakhs in financial year 2019-20 which was surrendered to the Government and Rs. 2100.00 Lakhs in the financial year 2020-21. The financial details are given in the table below:

Grant-in-Aid/ Financial Assistance provided under the Scheme in Kerala

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of Fast Track Special Courts (FTSCs)	Number of Exclusive POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	630*	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	NA	NA	NA	NA	NA	NA	NA
Funds Received by High Court	630	16.01.2020	Feb 2020		28	Nil	The Courts could not established in 2019-20 despite the initiation preliminary steps. Hence the amount was surrendered to Govt. on 31.03.2020
	2100*	Apr 2020				Nil	An amount of Rs. 2100 lakh was allotted for the courts through state Budget grant. Out of this, Rs. 168 Lakh required for prosecutors was transferred to Law Department. Utilization certificate will be submitted at the end of the financial year.

*Rs 630 lakhs released by Department of Justice to the State Government for 56 FTSCs and 14 EPOCSO Courts

4.3.16.4.1. Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

As reported by High court the average annual expenditure incurred under different heads is given below in the table.

Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
1	2014-00-103-96-01-VP(2019-20)	Nil	
2	2014-00-103-96-01-VP(2020-21)	132	The amount has been incurred for initial expenses towards establishment of the Courts. An amount of Rs.82.80 lakhs required per court per year. Hence Rs. 2318.40 lakhs will be required for the 28 courts.

4.3.16.5. Monitoring and Delivery Mechanism

High court informed a high power committee which has been constituted for monitoring and timely implementation of the scheme and approval of schemes and funds allocation minutes of the meeting dated 20.01.20 for establishing 28 numbers of FTSC for POCSO cases and rape cases, held in Chief Secretary's Committee Room. The details of committee formed with their members are given below:

Addl. Chief Secretary, Home	Chairperson
Secretary, Social Justice/WCD Department	Convener
Registrar General, High Court of Kerala/ Registrar (Subordinate Judiciary)	Member
Secretary, Finance	Member
Secretary, Law Department	Member
Secretary, Planning	Member
State Police Chief /IG(crime)	Member
Director, WCD Department	Member
Secretary, KELSA	Member
Chief Engineer, PWD (Buildings)	Member

4.3.16.6. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN KERELA

Selection and appointment of the 1 Presiding Officer and 7 staff members per year.

As informed by High Court, Officers in the cadre of District Judges are appointed as Presiding Officers of FTSCs. District Judges are appointed as per the provisions laid down in Rule (2) of the Kerala State Higher Judicial Service Rules

The appointments to the posts of Bench Clerk and Senior Clerk in the FTSCs are being made by the District Judges concerned from the staff of the department. The remaining posts of ConfidentialAssistant, Computer Assistant/L.D. Typist and Office Attendant are being filled up on contractual basis. The instruction issued by the High Court is being followed in the matter.

Status of the cases after establishment and operationalisation of FTSCs including exclusive POCSO courts

According to the High Court FTSCs have started functioning only on 01.07.2020. Hence it is too early to assess the impact on pendency reduction and registration of new cases in sessions and District Courts as of now.

4.3.16.6.1. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCS INCLUDING EXCLUSIVE POCSO COURTS

According to High Courts, the courts have just started functioning, so no assessment can be made now.

Additional support measures urgently required from Central Government.

As informed by the High Court the funds now available are insufficient to meet the requirement such as arranging video conferencing. Since the courts will be examining child/ vulnerable witness, video conferencing facility has to be arranged in all the FTSCs for which an additional 5 lakhs per each court is recommended.

4.3.17. STATE: KARNATAKA HIGH COURT: HIGH COURT OF KARNATAKA

4.3.17.1. Introduction

As informed by the Registrar General of High Court, in view of directions given by the Hon'ble Apex Court in Suo Motu Writ (Criminal) No(s). 1/2019, the Secretary, Department of Justice, Ministry of Law & Justice, Government of India, vide letter No. 15011/14/2018-Jus-II dated 05.09.2019 has proposed to set up a total of 31 FTSCs in the state of Karnataka (17 exclusive/dedicated POCSO Act Courts and 14 courts for rape cases and along with POCSO (Act cases). The total funds required for setting up of the above courts for one year is INR 23.25 Cr INR 75 Lacs per court/year. Out of this, the central government will provide INR 13.95 Cr. (60%). This funding would ensure that each court will have 01 judicial officer and 07 staff members.

Out of 17 sanctioned exclusive Courts for conducting POCSO Cases, Court Halls may be made available in the identified 12 District Court Complexes after effecting suitable alterations and modifications (excluding 02 Child Friendly Courts already functioning in City Civil Courts, Bengaluru). In 03 Districts (i.e., Belagavi, Kolar and Shivamogga), it is reported that accommodation is not available even on rental basis. Further, proposal for setting up of 14 Fast Track Special Court in the following viz., Bengaluru City 05, Bengaluru Rural District 03, Belagavi - 01, Chikkamagaluru - 01, Mandya 01, Mysore 01, Shivamogga - 01 and Udipi - 01.

As per the information provided by the High Court till date only 8 exclusive POCSO courts are operationalise and functional.

List of Exclusive POCSO Courts set up/functional in the state are as given below:

Sl. No.	Name of the Districts	Name of Functional Courts
1	Chikkaballapura	Addl. District and Sessions Judge-FTSC-I, Chikkaballapura
2	Chikkamagaluru	Addl. District and Sessions Judge-FTSC-I, Chikkamagaluru.
3	Dakshina Kannada ' Mangaluru	Addl. District and Sessions Judge-FTSC-I, D.K.Man.galuru
4	Koppal	Addl. District and Sessions Judge, Koppal.
5	Mysuru	Addl. District and Sessions Judge-FTSC-I, Mysuru.
6	Tumakuru	Addl. District and Sessions Judge-FTSC-I, Tumakuru.
7	Uttara Kannada, Karwar	Addl. District and Sessions Judge-FTSC-I, U.K.Karwar
8	Udupi	Addl. District and Sessions Judge-FTSC-I, Udupi

4.3.17.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Karnataka the target for setting up 14 Special Fast Track Courts and 17 exclusive POCSO courts. A total of 31 courts in the state were proposed to be setup was given for Karnataka State. As per the information provided by the High Court during the visit of NPC team only 08 Exclusive POCSO courts have been setup and are functional.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
17	14	8	-	8	-

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
17	14	8	-	8	-

Source: High Court

4.3.17.3 Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is not completed by the High Court in given stipulated time which decrease the number of disposal cases against the targets given by the Central Government. Only 08 Exclusive POCSO Court was setup by the high court. The year wise details of the cases as reported by the Karnataka High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Karnataka

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	400	448	848
	Total (Nos)	400	448	848
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	1251	173	1424
	Total (Nos)	1251	173	1424
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	27	161	188
	Total (Nos)	27	161	188
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	8	69	77
	Total (Nos)	8	69	77
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	2	15.4	9.08
	Total (%)	2	15.4	9.08

Source: High Court

As shown in the table above, during the year 2019-20 and during the year 2020-21 (till 31st July 2020) only 08 courts which were exclusive POCSO courts was setup. The total number of cases targeted and number of cases disposed in the year 2020-21 are 448 and 69 respectively. The percent disposal rate for the year 2020-21 was 15.40%.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Karnataka

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	980	784	1764
		E POCSO (Nos.)	1190	952	2142
		Total (Nos)	2170	1736	3906
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	8	69	77
		Total (Nos)	8	69	77
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0.67	7.25	3.59
		Total (Nos)	0.37	3.97	1.97
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	400	448	848
		Total (Nos)	400	448	848
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	8	69	77
		Total (Nos)	8	69	77
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	2	15.4	9.08
		Total (Nos)	2	15.4	9.08

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 2170 and number of cases disposed off was only 8 which was on lower side. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 1736 and the number of cases disposed were 69 only. The percent cases disposed for the year 2019-20 and 2020-21 are 2% and 15.40% respectively. The High court should increase the number of courts in the state for faster delivery of cases.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Karnataka

Case Type		2019-20		2020-21 (till 31.07.2020)		Total
		POCSO	Rape Cases	POCSO	Rape Cases	
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	1926	432	370	41	2769
	FTSCs Cases (No)	1278	-	334	-	1612
	Exclusively POCSO Act cases (Nos.)	452	-	110	-	562
Total Number of Cases Disposed	Regular Courts Cases (No)	171	358	55	27	2151
	FTSCs Cases (No)	8	-	69	-	77
	Exclusively POCSO Act cases (Nos.)	381	-	22	-	403
Total Number of Cases where conviction took place	Regular Courts Cases (No)	222	32	6	1	261
	FTSCs Cases (No)	1	-	7	-	8
	Exclusively POCSO Act cases (Nos.)	53	-	2	-	55
Percent Conviction to Disposal rate	Regular Courts Cases (%)	12.97	8.94	10.91	3.7	12.13
	FTSCs Cases (%)	12.5	-	10.14	-	10.39
	Exclusively POCSO Act cases (%)	13.91	-	9.09	-	13.65

During the year 2019-20, out of 1278 cases 1251 cases were transferred from regular courts and 27 cases were freshly instituted in FTSC courts and during the year 2020-21, out of 334 cases 173 cases were transferred from regular courts and 161 cases were freshly instituted in FTSC courts. The percent conviction to disposal rate for Regular Courts cases, FTSCs and Exclusively POCSO Act cases for both type of cases (POCSO and Rape cases) were 12.13, 10.39 and 13.65 respectively.

4.3.17.4 Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have received Grant-in-Aid/ Financial Assistance of Rs. 1283.45 Lakhs by State Government for setting up of 14 FTSCs and 17 exclusive POCSO courts from 17 E POCSO courts only 8 are functional. The Financial details are given below in the table:

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Karnataka

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of Fast Track Special Courts (FTSCs)	Number of Exclusive POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	697.5*	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	NA	NA	NA	NA	NA	NA	NA
Funds Received by High Court	1. Budget Provision by State Government 2,134.00 2. Budget Released by State Government 1,283.45	24.10.2019	#	Established-14 Functioning- Nil	Established-17 Functioning-8	2019-20- Expenditure- Nil, UC not furnished	The Expenditure incurred only from the month of June-2020 Hence, the UC will be furnished in the end of the financial year i.e. on after 31.03.2021

*Rs.697.5 lakhs released by Department of Justice to the State Government for 17 FTSCs and 14 EPOCSO Courts

#) 1) G.O.No. LAW- LAM/55/2020 dated 03.04.2020 2)G.O. No LAW-LAM/55/2020 dated 30.04.2020, 3)G.O. No. FD 11 BRS 2020 dated. 11.05.2020 4) G.O. No. LAW- LAM/55/2020 dated 01.06.2020 5) G.O.No. LAW-LAM/55/2020 dated. 23.07.2020

4.3.17.4.1 Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

As informed by the High Court the average annual expenditure incurred under different heads will be furnished only on incurring expenditure by the Courts.

4.3.17.5. Monitoring and Delivery Mechanism

High court informed that there is a committee formed for monitoring of pending and progress of the cases filed under POCSO Act, 2012. The details of the committee is given in table below:

Name of the Committee	Committee Chairman and Members	In-charge Registrar
Committee monitor-pending progress of the cases filed under POCSO Act, 2012	(Note: Five Senior Judges, the member secretary who is the convener for committee and the Special Invitees are called to attend the meetings as and when required.	

4.3.17.6. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN KARNATAKA

4.3.17.6.1. Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism.

As reported by the High Court there was a positive impact of the scheme and pendency of the cases has declined after the implementation of the scheme.

4.3.18 STATE: ODISHA HIGH COURT: ODISHA HIGH COURT

4.3.18.1. Introduction

As informed by the Registrar General of High Court, the State Government have been recommended for establishment of 21 Fast Track Special Courts (FTSCs) to try rape cases and cases under POCSO Act as per the Government of India Scheme-2019. Further, the State Government have been moved to notify " the Odisha Fast Track Special Courts (Method of Recruitment and Conditions of Services of Retired Judicial Officers of the cadre of District Judges and Staff including in-service Judicial Officers in the regular cadre of District Judge, Ministerial Staff and Group 'D' employees) Scheme, 2020" for the effective implementation of the Government of India Scheme-2019. But, the State Government has neither created necessary posts nor issued the required notification for establishment of 21 FTSCs so also the required scheme till date for the purpose.

Further, the State Govt. has notified 24 nos. of Exclusive POCSO Courts out of 36 recommended by the Court. Out of 24 notified Courts, 15 nos. of Courts have been made functional w.e.f. 28.02.2020 in view of the directions of the Hon'ble Supreme Court vide Order Dtd.16.12.2019 issued in Suo Moto Writ Petition (Criminal) No.1 of 2019, and the rest 9 Courts are yet to be made functional. However, notification regarding establishment of 12 such Courts as well as creation of posts for the purpose in consonance with the recommendation of the Court is still pending before the State Government.

List of FTSCs Courts set up/functional in the state are as given below:

Sl.No	Name of the Courts	District	Place of sitting
1	Addl. District Judge	Angul	Angul
2	Addl. District Judge	Bargarh	Bargarh
3	Addl. District Judge	Bolangir	Bolangir
4	Addl. District Judge	Cuttack	Cuttack
5	Addl. District Judge	Ganjam	Behampur
6	Addl. District Judge	Jharsuguda	Jharsugda
7	Addl. District Judge	Kalahandi	Bhawanipada
8	Addl. District Judge	Mayurbhanj	Baripada
9	Addl. District Judge	Nabarangpur	Nabarangpur
10	Addl. District Judge	Nayagarh	Nayagarh
11	Addl. District Judge	Kandhamal	Phulbani
12	Addl. District Judge	Puri	Puri
13	Addl. District Judge	Rayagada	Rayagada
14	Addl. District Judge	Sambalpur	Samnalpur
15	Addl. District Judge	Sundargarh	Sundargarh

4.3.18.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Odisha the target for setting up 23 Special Fast Track Courts and 22 exclusive POCSO courts. A total of 45 courts in the state were proposed to be setup was given for Odisha State. As per the information provided by the High Court during the visit of NPC team only 15 Exclusive POCSO courts are setup by the High Court and are functional. As informed this delay was from State Government side as the process of recruitment was delayed.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
22	23	15	0	15	0

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
22	23	15	0	15	0

Source: High Court

4.3.18.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is not completed by the High Court in given stipulated time which decrease the number of disposal cases against the targets given by the Central Government. No court was setup in the year 2019-20 and only 15 nos. of Courts have been made functional w.e.f. 28.02.2020 due to this disposal rate is very low which is shown in the table. The year wise details of the cases as reported by the Odisha High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Odisha High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	NA	NA
	Total (Nos)	0	NA	NA
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	5522	5522
	Total (Nos)	0	5522	5522
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	5522	5522
	Total (Nos)	0	5522	5522
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	99	99
	Total (Nos)	0	99	99
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	0	NA	NA
	Total (%)	0	NA	NA

Source: High Court

As shown in the table above, no court was setup in the scheme during the year 2019-20 and during the year 2020-21 (till 31st July 2020) only 15 courts which are exclusive POCSO courts were setup. The total number of cases taken up and number of cases disposed in the year 2020-21 are 5522 and 99 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Odisha High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	1610	1288	2898
		E POCSO (Nos.)	1540	1232	2772
		Total (Nos)	3150	2520	5670
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	99	99
		Total (Nos)	0	99	99
	Percent of cases Disposed (%)	FTSC (Nos.)	0	-	
		E POCSO (Nos.)	0	8.04	3.57
		Total (Nos)	0	3.93	1.75
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	NA	NA
		Total (Nos)	0	NA	NA
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	99	99
		Total (Nos)	0	99	99
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	NA	NA
		Total (Nos)	0	NA	NA

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 3150 and in same year no court was setup so there was zero disposal cases. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 2520 and the number of cases disposed were 99 only. The percent cases disposed for the year 2020-21 is 3.93% which is on very lower side. The High court should increase the number of courts in the state for faster delivery of cases.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Odisha High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	2645	929	3574
	FTSCs Cases (No)	0	0	0

	Exclusively POCSO Act cases (Nos.)	2288	2453	4741
Total Number of Cases Disposed	Regular Courts Cases (No)	1056	158	1214
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	674	229	903
Total Number of Cases where conviction took place	Regular Courts Cases (No)	134	8	142
	FTSCs Cases (No)	0	0	0
	Exclusively POCSO Act cases (Nos.)	112	29	141
Percent Conviction to Disposal rate	Regular Courts Cases (%)	12.69	5.06	11.7
	FTSCs Cases (%)	0	0	0
	Exclusively POCSO Act cases (%)	16.62	12.66	15.61

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 12.60% and 16.62% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 5.06% and 12.66% respectively.

4.3.18.4. Quarterly report of Functional Exclusive POCSO Courts

As shown in table, among all the functional exclusive POCSO courts cuttack court has the highest number of disposed cases i.e 11 and among all the 15 courts 8 courts viz. Angul, Bolangir, Ganjam, Kalahandi, Nabarangpur, Nayagarh, Kandhamal and Rayagada were having zero number of disposed cases during 01.04.2020 to 30.06.2020. the court having highest number of pending cases is Ganjam having 673 number of pending cases.

District wise Functional Courts with Cases Transferd, Total cases Disposed and Total Pending Cases

Sl. No	Name of the Districts	No. of Functional courts	Cases Transferd (as on 01.04.2020)	New Cases registerd of (01.04.2020-30.06.2020)	Total cases disposed of (01.04.2020-30.06.2020)	Total pending cases (as on 30.06.2020)	Pending cases > 5 years out of Total pendency (as on 30.06.2020)
1	Angul	1	314	19	00	333	48
2	Bargarh	1	236	10	01	272	54
3	Bolangir	1	215	13	00	228	23
4	Cuttack	1	586	21	11	596	43
5	Ganjam	1	651	22	00	673	58
6	Jharsuguda	1	176	12	02	186	28
7	Kalahandi	1	271	26	00	297	40
8	Mayurbhanj	1	561	28	01	588	104
9	Nabarangpur	1	268	18	00	286	26
10	Nayagarh	1	151	24	00	175	09
11	Kandhamal	1	332	8	00	340	21

12	Puri	1	470	32	02	500	50
13	Rayagada	1	106	19	00	125	09
14	Sambalpur	1	365	19	01	540	100
15	Sundargarh	1	511	30	01	540	100
	Total	15	5240	301	19	5522	664

4.3.18.5. Financial Progress against the Target sets

As informed by the Registrar General of High Court during the field visit they have received any Grant-in-Aid/ Financial Assistance of Rs. 3258.46 Lakhs on 01.04.2020 for setting up of 15 exclusive POCSO courts from State Government for setting up of FTSCs under Centrally Sponsored Scheme.

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Odisha

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of Fast Track Special Courts (FTSCs)	Number of Exclusive POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	540*	-	-	-	-	-	-
State Share Released by State Govt.	-	-	-	-	-	-	-
Funds Received by High Court	3258.46 (2020-21)	19.12.2019	01.04.2020	Not Available	15	UC yet to be submitted	UC has to be prepared at the end of the financial year

*Rs.540 lakhs released by Department of Justice to the State Government for 45 FTSCs and 22 EPOCSO Courts

4.3.18.5.1. Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The average annual expenditure incurred under different heads is given below in the table. As reported by High court it is the first year of establishment of POCSO Courts and finality has yet to be arrived. SO the yearly expenditure is difficult to assume the financial year has not been complete.

Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs) Exp. Till 17.08.2020	Remarks (Present Status and Problems, if any)
1	136- Pay	48.78	Since it is the first year of establishment of POCSO Courts and finality has yet to
2	156-D.A.	64.84	
3	403- HRA	1.48	

4	523-O.A	5.7	be arrived. SO the yearly expenditure is difficult to assume the financial year has not been complete.
5	06001-T.E.	0.25	
6	074-E.D.	0.07	
7	154-T.C	0.05	
8	506.O.C	1.36	
9	78012-C.C	0.01	
10	78123-W.B	0.15	
	Total	122.69	

4.3.18.6. Monitoring and Delivery Mechanism

High court informed that no quarterly monitoring undertaken on operation and cases handled by FTSCs including exclusive POCSO courts.

4.3.18.7. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN ODISHA

4.3.18.7.1 Selection and appointment of the 1 Presiding Officer and 7 staff members per year.

As informed by High Court Selection Process of the Odisha Fast Track Special Courts (Method of Recruitment and Conditions of Services of Retired Judicial Officers of the cadre of District Judges and Staff including in-service Judicial Officers in the regular cadre of District Judge, Ministerial Staff and Group D' employees) Scheme, 2020 has already been sent to the Principal Secretary to Govt. of Odisha, Home Deptt., Bhubaneswar vide Court's letter No.3306 Dtd.28.02.2020 & subsequent letter No.6050 Dtd.11.06.2020 for issuance of notification.

4.3.18.7.2. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCs INCLUDING EXCLUSIVE POCSO COURTS

The major problems/challenges faced by High Court in operationalising FTSCs including exclusive POCSO Courts are given below:

- i. The Govt. of Odisha in Home Deptt., Bhubaneswar vide Court's letter No.3305 Dtd.28.02.2020 have been moved for creation of adequate number of support staff along with infrastructure for smooth functioning of the Special Courts established under POCSO Act, 2012. But the posts have not been created yet.
- ii. The Govt. of Odisha in Home Deptt., Bhubaneswar vide Court's letter No.3345 Dtd.28.02.2020 have been requested to issue of notification for establishment of 21 Fast Track Special Courts and to provide required infrastructure along with adequate support staff for functioning of the said Court. The Govt has neither created necessary posts nor issued the required notification for establishment of 21 FTSCs.
- iii. The Odisha Fast Track Special Courts (Method of Recruitment and Conditions of Services of Retired Judicial Officers of the cadre of District Judges and Staff including in-service Judicial Officers in the regular cadre of District Judge, Ministerial Staff and Group 'D' employees) Scheme, 2020 has already been sent to the Principal Secretary to Govt. of Odisha, Home

- Deptt., Bhubaneswar vide] court's letter No.3306 Dtd.28.02.2020 & subsequent letter No.6050 Dtd.11.06.2020 for issuance of notification. But the same has not yet been notified.
- iv. Notification regarding establishment of 12 exclusive POCSO Courts where the pendency of cases is more than 300 as well as creation of necessary posts for such Courts has not yet been carried out by the State Govt.

4.3.18.7.3. Additional support measures urgently required from Central Government.

According to High Court the Central Govt. may issue necessary directions to state Govt. to take steps expeditiously for functioning of FTSCs.

4.3.19. STATE: UTTARAKHAND HIGH COURT: HIGH COURT OF UTTARAKHAND

4.3.19.1. Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Himachal Pradesh was to setup 04 exclusive POCSO courts in the State. A total of 04 courts in the state were proposed to be setup, considering a total of 613 Cases pending under Rape and POCSO Act as on 31.03.2018 and 1089 Cases pending trial under POCSO Act as on 30.06.2019. The list of functional exclusive POCSO courts is given below:

List of exclusive POCSO Courts set up/functional in the state are as given below:

S.No	Operationalized FTSCs
1	Dehradun
2	Roorkee (Distt. Haridwar)
3	Haridwar
4	US Nagar

4.3.19.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Uttarakhand the target for setting up 04 exclusive POCSO courts. A total of 04 courts in the state were proposed to be setup was given for Uttarakhand State. As per the information provided by the High Court all the 04 Exclusive POCSO courts are setup by the High Court and are functional at present.

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
04	-	-	04	-	04

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
-	04	-	04	-	04

Source: High Court

4.3.19.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is completed by the High Court in given stipulated time which had decrease the number of disposal cases against the targets given by the Central Government. Number of court was setup 04. The year wise details of the cases as reported by the Uttarakhand High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Uttarakhand

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	291	110	401
	E POCSO (Nos.)	-	-	-
	Total (Nos)	291	110	401
Number of cases Transferred	FTSC (Nos.)	390	17	407
	E POCSO (Nos.)	-	-	-
	Total (Nos)	390	17	407
Number of cases Taken up	FTSC (Nos.)	212	110	322
	E POCSO (Nos.)	-	-	-
	Total (Nos)	212	110	322
Number of cases Disposed	FTSC (Nos.)	90	40	130
	E POCSO (Nos.)	-	-	-
	Total (Nos)	90	40	130
Percent of Cases Disposed	FTSC (%)	30.93	36.36	32.42
	E POCSO (%)	-	-	-
	Total (%)	51.27	24.22	41.23

*Source: High Court

As shown in the table above, during the year 2019-20 and during the year 2020-21 (till 31st July 2020) 04 courts which are exclusive POCSO courts were setup. The total number of cases taken up and number of cases disposed in the year 2020-21 were 110 and 40 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Uttarakhand

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	280	224	504
		E POCSO (Nos.)	-	-	-
		Total (Nos)	280	224	504
	Number of cases Disposed	FTSC (Nos.)	90	40	130
		E POCSO (Nos.)	-	-	-
		Total (Nos)	90	40	130
	Percent of cases Disposed (%)	FTSC (Nos.)	32.14	17.86	25.79
		E POCSO (Nos.)	-	-	-
		Total (Nos)	32.14	17.86	25.79
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	291	110	401
		E POCSO (Nos.)	-	-	-
		Total (Nos)	291	110	401
	Number of cases Disposed	FTSC (Nos.)	90	40	130
		E POCSO (Nos.)	-	-	-
		Total (Nos)	90	40	130
	Percent of cases Disposed (%)	FTSC (Nos.)	30.93	30.93	32.42
		E POCSO (Nos.)	-	-	-
		Total (Nos)	30.93	30.93	32.42

As shown in the table above that targeted cases during the year 2019-20 as per the guidelines was 280 and disposal cases were 90. Similarly, during the year 2020-21 (till 31st July 2020) the number of cases targeted was 224 and the numbers of cases disposed were only 40. The percent cases disposed for the year 2020-21 is 17.86%.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Convection rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Uttarakhand

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	517	116	633
	FTSCs Cases (No)	553	122	675
	Exclusively POCSO Act cases (Nos.)	-	-	-
Total Number of Cases Disposed	Regular Courts Cases (No)	228	18	246
	FTSCs Cases (No)	109	4	113
	Exclusively POCSO Act cases (Nos.)	-	-	-

Total Number of Cases where conviction took place	Regular Courts Cases (No)	61	4	65
	FTSCs Cases (No)	15	2	17
	Exclusively POCSO Act cases (Nos.)	-	-	-
Percent Conviction to Disposal rate	Regular Courts Cases (%)	26.75	22.22	26.42
	FTSCs Cases (%)	13.76	50	15.04
	Exclusively POCSO Act cases (%)	-	-	-

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases and FTSCs cases were 26.75% and 13.76% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases and FTSCs cases were 22.22% and 50.00% respectively.

4.3.19.4. Financial Progress against the Target sets

As informed by the Registrar General of High Court they have received Grant-in-Aid/ Financial Assistance of Rs. 20.00 Lakhs, 26.00 Lakhs and 19.50 Lakhs on 13.11.2019, 03.01.2020 and 28.10.2020 respectively for setting up of 04 exclusive POCSO courts from State Government on time for setting up of FTSCs under Centrally Sponsored Scheme.

Table: Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Uttarakhand

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of Fast Track Special Courts (FTSCs)	Number of Exclusive POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	135.00*	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	NA	NA	NA	NA	NA	NA	NA
Funds Received by High Court	20.00 26.00 19.50	22.10.2019	13.11.2019 03.01.2020 28.10.2020	04	04	11.05.2020 14.05.2020 22.07.2020 (By State Govt.)	

*Rs.135.00 lakhs released by Department of Justice to the State Government for 04 FTSCs and 04 EPOCSO Courts

4.3.19.4.1. Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The average annual expenditure incurred under different heads on operational cost per exclusive POCSO courts are given below in the table.

Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts per year

Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)
1	01- Pay	20.00
2	03-Dearness Allowance	20.00
3	04- Travelling Expense	00.50
4	05.Transfer Travelling Expenses	03.00
5	06- Other Allowance	03.00
6	08- Office Expenditure	01.00
7	09- Electricity Payment	-
8	10-Water tax	-
9	11- Printing of forms and writing materials	00.50
10	12- Office furniture and equipments	01.00
11	13., Telephone Expense	00.60
12	15- Maintenance of Vehicles and purchase of Petrol etc.	02.00
13	16- Payment for professional and special	10.00
14	27 Medical expenditure re- imbursement	03.00
15	42- Other Expenses.	01.00
	Total	65.60

4.3.19.5. Monitoring and Delivery Mechanism

High court informed that no quarterly monitoring undertaken on operation and cases handled by FTSCs including exclusive POCSO courts and no committee is formed for the same.

4.3.19.6. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN UTTARAKHAND

4.3.19.6.1. Selection and appointment of the 1 Presiding Officer and 7 staff members per year.

As informed by High Court, the State Government vide G.O.No.223/XXXVI(2)/2019-124118 dated 26.09.2019, created 04 FTSCs and staff i.e. ADJ-04, Steno Gr-I-04, Reader (Peshkar)-04, Munsrim-04, Suit clerk & Misc. Clerk-04, Copyist-04, Peon-04, Orderly-04. Group C&D employees were to be employed from the retired employees otherwise from Uttarakhand Poorvsainik Kalyan Nigam Limited and accordingly. The concerned district judges were requested to provide, one reader and Misc. Clerk from regular staff and attachment of a stenographer on sharing basis, if not available for full time basis, till the said staff is not engaged from retired employees/ through UP1-JL.Class-IV staff may be engaged through UPNL. The said District Judges took the necessary action accordingly. Vide notification dated 01.10.2019, 04 judicial officers of the ADJ level were posted in said 04 FTSCs.

4.3.19.6.2. Major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts

According to High Court some time the child / victim is not able to speak and express himself, so some translator is required.

4.3.19.6.3. Additional support measures urgently required from Central Government.

According to High Court, there should be a separate doctor for checkup of rape victim, a lady prosecution officer should be appointed for the examination of rape victim. and a lady steno should be appointed so that the victim can be comfortable during examination.

4.3.19.6.4. Modifications proposed in the scheme.

As informed by the High court the investigation agency should be well trained and well versed with the law and preferably experienced I.Os should be given the investigation for such cases and there are only two forensic science labs in our State, hence the number of labs should be increased so that FSL report are received well in time, as some cases are delayed for the want of FSL report.

4.3.19.6.5. Impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism.

As informed by the High Court there is a positive impact of the scheme and pendency of the cases are also decreased.

**4.3.20. STATE: MAHARASHTRA
HIGH COURT: BOMBAY HIGH COURT****4.3.20.1. Introduction**

As informed by the High Court there was the delay of one year in operationalisation of the FTSCs and exclusive POCSO courts due to non-availability of retired Judicial Officers and supporting staff on contract basis, Non-availability of accommodation for housing the Courts and Some appointed retired Judicial Officers have not joined, may be owing to Covid-19 pandemic.

List of FTSCs and exclusive POCSO courts set up/functional in the state are as given below:

S.No.	Name of the District
BENCH AT BOMBAY	
1.	Kolhapur
2.	Nashik
3.	Pune
4.	Satara
5.	Solapur
6.	Thane
7.	City Civil Court, Mumbai
BOMBAY AT AURANGABAD	
1.	Ahmednagar
2.	Aurangabad
3.	Beed
4.	Dhule
5.	Latur
6.	Jalna
7.	Nanded
8.	Osmanabad

BENCH AT NAGPUR	
1.	Akola
2.	Amravati
3.	Nagpur
4.	Wardha

4.3.20.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, considering a total of 22775 Cases pending under Rape and POCSO Act as on 31.03.2018 and 19968 Cases pending trial under POCSO Act as on 30.06.2019 the target for setting up 108 Special Fast Track Courts and 30 exclusive POCSO courts in the State. A total of 138 courts in the state were proposed to be setup was given for Maharashtra State. The details are given below in the table:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
30	108	19	0	04	0

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31st July 2020 (Nos)
0	138	19	0	04	0

Source: High Court

4.3.20.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is yet to be completed. Only 19 Exclusive POCSO courts have been operational and out of that only 04 are functional. The year wise details of the cases as reported by the Bombay High Court are given below in the table:

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Bombay High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Target of cases	FTSC (Nos.)	0	The process of issuance of guidelines is underway	
	E POCSO (Nos.)	0		
	Total (Nos)	0		
Number of cases Transferred	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	3357	3357
	Total (Nos)	0	3357	3357
Number of cases Taken up	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	47	47
	Total (Nos)	0	47	47
Number of cases Disposed	FTSC (Nos.)	0	0	0
	E POCSO (Nos.)	0	17	17
	Total (Nos)	0	17	17
Percent of Cases Disposed	FTSC (%)	0	0	0
	E POCSO (%)	0	NA	NA
	Total (%)	0	NA	NA

Source: High Court

As shown in the table above, during the year 2020-21 (till 31st July 2020) the number of cases taken up and number of cases disposed were only 47 and 17 respectively.

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Bombay High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	7560	6048	13608
		E POCSO (Nos.)	2100	1680	3780
		Total (Nos)	9660	7728	17388
	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	17	17
		Total (Nos)	0	17	17
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	1.01	0.45
		Total (Nos)	0	0.22	0.1
	Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	0	0
E POCSO (Nos.)			0	NA	NA
Total (Nos)			0	NA	NA

	Number of cases Disposed	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	17	17
		Total (Nos)	0	17	17
	Percent of cases Disposed (%)	FTSC (Nos.)	0	0	0
		E POCSO (Nos.)	0	NA	NA
		Total (Nos)	0	NA	NA

According to the guidelines of the scheme it has been shown in the table above that targeted cases during the year 2019-20 was 9666 and disposed cases were zero. During the year 2020-21 (till 31st July 2020) the number of cases targeted was 7728 and the number of cases disposed were only 17. The percent cases disposed for the year 2020-21 is 0.22% which is very poor.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Bombay High Court

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	56145	9067	65212
	FTSCs Cases (No)	0	607	607
	Exclusively POCSO Act cases (Nos.)	3142	2363	5505
Total Number of Cases Disposed	Regular Courts Cases (No)	33016	5112	38128
	FTSCs Cases (No)	0	10	10
	Exclusively POCSO Act cases (Nos.)	2107	412	2519
Total Number of Cases where conviction took place	Regular Courts Cases (No)	1615	98	1713
	FTSCs Cases (No)	0	2	2
	Exclusively POCSO Act cases (Nos.)	412	18	430
Percent Conviction to Disposal rate	Regular Courts Cases (%)	4.89	1.92	4.49
	FTSCs Cases (%)	0	20	20
	Exclusively POCSO Act cases (%)	19.55	4.37	17.07

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 4.89%, 0.00% and 19.55% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for regular court cases, FTSCs and Exclusive POCSO court cases were 1.92%, 20.00% and 4.37% respectively.

4.3.20.4. Financial Progress against the Target sets

According to High court they have received the Central Share of Centrally Sponsored Scheme of an amount of Rs. 964.00 lakhs and State Share of Rs. 341.50 lakhs was received by the High Court. The details of funds are given below:

Details of Grant-in-Aid/ Financial Assistance provided under the Scheme in Maharashtra

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of Fast Track Special Courts (FTSCs)	Number of Exclusive POCSO Act Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	3105.00*	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	NA	NA	NA	NA	NA	NA	NA
Funds Received by High Court	Central Share 60% (2014 0664) Rs.964.00 lakhs State Share 40% (2014 0664) Rs. 341.50 lakhs	15.02.2020	15.02.2020	NA	NA	For the first time Grants are distributed to the FTSCs on 18.08.2020	**

*Rs. 3105.00 lakhs released by Department of Justice to the State Government for 138 FTSCs and 30 EPOCSO Courts

**In the State of Maharashtra the fund sought for 3 months for all the 138 Courts i.e. 30 exclusively/ dedicated POCSO courts and 108 Fast Track Special Courts (Total 138 Courts) for expeditious trial and disposal of Cases under Rape and POCSO Act

4.3.20.4.1. Average annual Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts

The average annual expenditure incurred on operational cost per FTSC including exclusive POCSO court are given below:

Sr. No.	Head of Expenditure	Expenditure per Year (Rs. Lakhs) (Exp. incurred for 3 months i.e. July, August and September, 2020)		Remarks (Present Status and Problems, if any)
		Under Head-20140664 (60%)	Under Head-20140673 (40%)	
2	06-Telephone, Electricity and Water Charges	Rs.18,000/-	Rs.12,000/-	Under the Head 06 the Budgetary Provision is insufficient in the State of Maharashtra. The total requirement of Budget under the head 06 is Rs.1,22,000/- for 3 months whereas the funds released under the said head is only Rs.30,000/-.
3	13-Officer Expenses	Rs.9,18,000/-	Rs.6,12,000/-	
4	14-Rent. Rates and Taxes	Rs.4,30,140/-	Rs.2,86,760/-	
Total		Rs.87,61,140/-	Rs.58,40,760/-	

4.3.20.5. OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN MAHARASHTRA

4.3.20.5.1. Impact of setting up and operationalisation of the FTSCs including exclusive POCSO Courts on Fast Track Justice Delivery mechanism.

According to High Court Due to setting up and operationalisation of FTSCs (exclusive POCSO Courts in Maharashtra), there is a positive impact on Fast Track Justice delivery mechanism. Though, the said impact is miniscule at this juncture due to sudden outbreak of the pandemic, however, in long run, a very bright impact is likely to be visible in the wake of the exclusive Courts are put in place.

4.3.20.5.2. Assessment of Operation of the FTSCs/ exclusive POCSO courts on improved access to justice

According to High Court Definitely the registration of cases in the exclusive POCSO Courts, there is a decline in the pendency of cases in Sessions Courts. Though the impact visible is miniscule owing to COVID-19 pandemic, however, as the situation restores, it is likely that there shall be sharp decline in cases in the Sessions Courts.

4.3.20.6. MAJOR PROBLEMS/CHALLENGES FACED IN OPERATIONALISING FTSCs INCLUDING EXCLUSIVE POCSO COURTS

According to High Court Getting operationalised the FTSCs seem bit cumbersome, since getting retired Judicial Officers and staff for FTSCs is a tedious work. Either adequate number of retired Judicial Officers and staff are not available and, if available, seem to be reluctant to come forward to preside over or work in FTSCs. There are different challenges in operationalising FTSCs. However, at the very inception, the aforesaid lack of required number of retired judicial officers willing to preside over the Courts is the prominent hurdle.

4.3.20.7. ADDITIONAL SUPPORT MEASURES URGENTLY REQUIRED FROM CENTRAL GOVERNMENT

As informed by the High Court, operationalisation of FTSCs has been observing hurdles, firstly due to the pandemic and secondly due to non availability of adequate numbers of retired Judicial Officers and employees. In order to tackle the situation, working Judicial Officers in the cadre of civil senior judges who have put in 12 years as Judicial Officers may be considered to preside over the FTSCs on ad-hoc basis. So also if in lieu of the retired staff, if the establishment are permitted to take up the services of the waitlisted candidates for the period as long as the FTSCs are in place, the situation can be won over. Otherwise, at the inception itself, a lot of time is being spent to vouch for retired Judicial Officers and employees.

4.3.21.STATE: MEGHALAYA

HIGH COURT: HIGH COURT OF MEGHALAYA

4.3.21.1. Introduction

As informed by the High Court they have already setup 4 exclusive POCSO Courts in the State of Meghalaya viz. at Sillong, East Khasi District, Nongpoh, Ri-Bhoi District, Jowai, West Jaintia Hills District and Nongstoun, West Khasi Hills District and no other court were established after October, 2019 no other exclusive POCSO Courts were established. The State Government has recently accorded sanction for setting up of one more exclusive POCSO Court at Shillong since the number of pending cases is above 300.

Further, the Registry after consultation with the Ministry of Law & Justice, Government of India in the video conference meeting held on 24th June, 2020, vide letter dated 29th June, 2020, has made a proposal to the Department of Justice that the State Government will not establish any Fast Track Special Courts in the State and Instead the Fund allotted for the State under the scheme will be used for development of infrastructure, manpower, etc., in the already existing exclusive POCSO Courts.

List of exclusive POCSO Courts set up/functional in the state are as given below:

S.No.	Name of the Exclusive POCSO Courts
1.	Sillong, East Khasi District
2.	Nongpoh, Ri-Bhoi District
3.	Jowai, West Jaintia Hills District
4.	West Khasi Hills District

4.3.21.2. Progress of setting up and operationalisation of FTSCs including Exclusive POCSO Courts

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Meghalaya the target for setting up 05 exclusive POCSO courts. The details are given below in the table:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
05	Nil	Nil	Nil	Nil	Nil

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
05	Nil	Nil	Nil	Nil	Nil

Source: High Court

4.3.21.3. Progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 to FTSCs including Exclusive POCSO Courts and Targets set

No data was provided by the High Court of Meghalaya of number Targeted cases, cases taken up and number of Cases Disposal. According to the guidelines of the the target cases during the year 2019-20 were 350 and during the year 2020-21 (till 31st July 2020) the number of cases targeted was 280.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Meghalaya

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	658	26	684
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	454	126	580
Total Number of Cases Disposed	Regular Courts Cases (No)	125	6	131
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	50	24	74
Total Number of Cases where conviction took place	Regular Courts Cases (No)	18	-	18
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	22	10	32
Percent Conviction to Disposal rate	Regular Courts Cases (%)	14.4	-	13.74
	FTSCs Cases (%)	-	-	-
	Exclusively POCSO Act cases (%)	44	41.67	43.24

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases were 14.40% and 44.00% respectively. Similarly, during the year 2020-21 the percent conviction to disposal for Exclusive POCSO court cases was 41.67%.

4.3.21.4. FINANCIAL PROGRESS AGAINST THE TARGET SETS

As informed by the High Court no funds was received by the High Court from the State Government.

4.3.21.5.OVERALL ASSESSMENT OF THE IMPACT AND OPERATION OF THE SCHEME IN MEGHALAYA

According to High Court the challenges faced by them are given below:

- i. Death of retired Grade-I Judicial Officers/Qualified Presiding Officer in the State is a major challenge.
- ii. The State faces challenges in setting up/acquiring temporary infrastructure/scouting suitable infrastructure.
- iii. Finding Presiding Officers and qualified staff and recruiting is a challenge for the State since the time frame of the scheme is only 2 years.

Number of Fast Track Special Courts including exclusive POCSO courts established

The already existing courts 4 exclusive POCSO courts are operational in the State and one more exclusive court to be set up in East Khasi Hills District, Shillong. After October, 2019 no other exclusive POCSO Courts were established. The High Court is still awaiting response from the Department of Justice, Ministry of Law & Justice Government of India in respect to letter dated 29th June, 2020 of this Registry.

Additional support measures urgently required from Central Government

As informed by the High Court the duration of the scheme which is only 2 years is very short for setting up and recruiting Presiding Officers and Staff. Besides, the staff at least requires undergo basic judicial training.

Modifications proposed in the scheme

According to High Court, for effective implementation of such scheme in the coming years, perhaps, the duration/length of the scheme may be extended for a period of minimum 5 years.

4.3.22 STATE: BIHAR

HIGH COURT: PATNA HIGH COURT

4.3.22.1. Introduction

As informed by the Registrar General of High Court, S.O. 143 dated the 7th August 2020--- In exercise of the powers conferred by section 28(1) of 'The Protection of Children from Sexual Offences Act, 2012' (32 of 2012) and in compliance of the orders passed by Hon'ble Supreme Court, New Delhi in *Suo Moto Write Petition (CT.) No.-01/2019 (Re: Alarming rise in the number of reported child rape incidents)* on 25.07.2019 and 16.12.2019, the Government of Bihar, in consultation with the High Court of Judicature at Patna, for the speedy trial of the cases filed under the POCSO Act 2012, designates the Court of Additional District and Sessions Judge-VI as the Exclusive Special Court in 23 Judgeships i.e. Araria, Aurangabad, Begusarai, Banka, Bhojpur at Ara, Buxar, Darbhanga. Gopalganj, Jhanabad, Kaimur at Bhabhua, Khagaria, ILakhisarai, Madhepura, Munger, Nawadah. Saharsa, Samastipur, Saran at Chapra, Sheikhpura, Sitamarhi, Siwan, Supaul and Vaishali at Hajipur {Where

there are between 100 and 300 cases pending under the POCSO Act} and designates the Courts of Additional District and Sessions Judge-VI and VII as Exclusive Special Courts in 11 Judgeships i.e. Bhagalpur, East Champaran at Motihari, Gaya, Katihar, Madhubani, Muzaffarpur, Nalanda at Biharsharif, Patna, Purnea, Rohtas at Sasaram and West Champaran at Bettiah [Where there are more than 300 cases pending under the POCSO Act} and decides the territorial Jurisdiction of these Exclusive Special Courts in the manner indicated below:-

List of Exclusive POCSO Courts in the state are as given below:

Sl. No.	Name of the Judgeship	Designated Court	Territorial Jurisdiction
1	Araria, Aurangabad, Begusarai, Banka, Bhojpur at Ara, Buxar, Darbhanga. Gopalganj, Jchanabad, Kaimur at Bhabhua, Khagaria, ILakhisarai, Madhepura, Munger, Nawadah. Saharsa, Samastipur, Saran at Chapra, Sheikhpura, Sitamarhi, Siwan, Supaul and Vaishali at Hajipur	A.D.J-VI	All Police Stations of the respective Judgeships.
2	Bhagalpur	A.D.J-VI	All Police stations of BgagalpurSadar Sub Division except Goradih, Shakund, Syltanganj, Shakund, Sultanganj. Tatarpur, Tilkamanjhi and University Police Stations
		A.D.J-VII	All Police Stations of Kahalgaon and Naugachia Sub Divisions, and Goradih, ShakundSulatanganj, Tatarpur, Tilkamanjhi and University Police Stations of Bhagalpur Sadar Sub Division.
3	East Champaran at Motihari	A.D.J-VI	All Police Stations of MotihariSadar, Sikrahan and Areraj Sub Division
		A.D.J-VII	All Police Stations of Chakiya, Pakaridayal and Raxaul Sub Division.
4	Gaya	A.D.J-VI	All Police Stations of Gaya Sadar Sub Division.

		A.D.J-VII	All Police Stations of Sherghatti, Tekari and NeemchakBathani Sub Division.
5	Katihar	A.D.J-VI	All Police Stations of Katihar Saqdar Sub Division except Barari and Koraha Police Stations.
		A.D.J-VII	All Police Stations of Manihari and barsoi Sub Division and Barari and Koraha Police stations of Katihar Sub Division.
6	Madhubani	A.D.J-VI	All Police Stations of Madhubani and Jaynagar Sub Division.
		A.D.J-VII	All Police Stations of Phulparas, Jhanjharpur and Benipatti Sub Divisions.
7	Muzaffarpur	A.D.J-VI	All Police Stations of Muzaffarpur (East_ Sub Division except Mahila and Piar Police Stations
		A.D.J-VII	All Police Stations of Muzaffarpur (West) Sub Division, and Mahila and Piar Police Stations of Muzaffarpur (East) Sub Division
8	Nalanda at Biharsharif	A.D.J-VI	All Police Stations of Biharsharif Sub Division except Noorsarai, Rahui, Sare, Sohsaraj and Sarmera Police Stations.
		A.D.J-VII	All Police Stations of Hilsa and Rajgir Sub Division, and Noorsarai, Rahui, Sare, Sohsarai and Sarmera Police Stations of Biharsharif Sub Division.
9	Patna	A.D.J-VI	All Police Stations of Patna and Barh Sub Divisions.

		A.D.J-VII	All Police Stations of Patna City, Danapur, Masaurhi and Paliganj Sub Division.
10	Purnea	A.D.J-VI	All Police Stations of PurneaSadar and Banmankhi Sub Sivision
		A.D.J-VII	All Police Stations of Vaishi and Dhamdaha Sub Division
11	Rohtas at Sasaram	A.D.J-VI	All Police Stations of Sasaram Sub Division.
		A.D.J-VII	All Police Stations of Bikramganj and Dehri On-Sone Sub Division.
12	West Champaran at Bettiah	A.D.J-VI	All Police Stations ofexceptBairia and Lauriya Police Stations.
		A.D.J-VII	All Police Stations of Narkatiyaganj and Bagaha Sub Divisions, and Bairia and Lauriya Police Stations of Bettiah Sub Division.

4.3.22.2. Progress of setting up and operationalisation of FTSCs including Excluding POCSO Court

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, in Bihar the target for setting up 24 Special Fast Track Courts and 30 exclusive POCSO courts. A total of 54 courts in the state were proposed to be setup was given for Bihar State. There was a delay of about 6-9 months in setting up of courts and this was due to State Government notification. The details of operationalised and functional FTSCs and Exclusive POCSO courts are given in the table below:

Details of FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines

Targets of setting up and Operationalisation of FTSCs and E POCSO Courts*		Actual Number of Courts established		Actual Number of Courts Functional in the State as on 31 st July 2020 (Nos)	
Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs	Number of E POCSO	Number of FTSCs
30	24	Nil	Nil	Nil	Nil

* Scheme Guidelines

Details of FTSCs and Exclusive POCSO Courts Operationalised by the state

Number of E POCSO courts sanctioned for the state (Nos)	Number of FTSCs sanctioned for the state (Nos)	Number of E POCSO courts Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs Operationalised in the State as on 31 st July 2020 (Nos)	Number of E POCSO courts Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs Functional in the State as on 31 st July 2020 (Nos)
30	24	Nil	Nil	Nil	Nil

Source: High Court

4.3.22.3. Progress of setting up and operationalisation of FTSCs including e POCSO

As informed by the High Court that the target given to the State for Setting up of FTSCs and Exclusive POCSO court is not completed by the High Court in given stipulated time. The information about the target of cases, cases transferred, cases taken up and cases disposed were not given by the High court due to non setting up of courts in the State. As per the scheme guidelines the target of cases given to the State was 3024 (FTSCs) and 3780 (E POCSO) and details are given below in the table:

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of Patna High Court

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	1680	1344	3024
		E POCSO (Nos.)	2100	1680	3780
		Total (Nos)	3780	3024	6804
	Number of cases Disposed	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-
	Percent of cases Disposed (%)	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-
	Number of cases Disposed	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-
	Percent of cases Disposed (%)	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-

4.3.22.4. Financial Progress against the Target setof Bihar State

As informed by the Registrar General of High Court no funds were utilized during the financial year 2019-20 for setting up of courts.

4.3.22.5 Monitoring and Delivery Mechanism

As informed by the High Court the monitoring committee of three Senior Judges are the members of the committee .

4.3.22.6. Specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018

According to High Court no specific rules were made by the high court.

4.3.23.STATE: JAMMU AND KASHMIR

HIGH COURT: HIGH COURT OF JAMMU

4.3.23.1. Introduction

According to the Administrative Guidelines for Implementation of the Scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, the target for Jammu & Kashmir was to setup 04 Special Fast Track Courts. A total of 04 courts in the state were proposed to be setup as per guidelines, considering a total of 825 Cases pending under Rape and POCSO Act as on 31.03.2018 and 83 Cases pending trial under POCSO Act as on 30.06.2019.

4.3.23.2.Progress of setting up and operationalistion of FTSCs including e POCSO

As informed by the high Court, at present there is no Fast Track Special Court, including the exclusive POCSO court (E POCSO) functional in the both UTs of J&K and Ladakh. However, the Government of Jammu and Kashmir vide notification dated 25.06.2018, has designated the court of Principal District & Sessions Judge of every District as special Courts to try the offences under the POCSO Act. The J&K High Court have 05 Fast track Courts in which number of new cases registered from 01.04.2020 to 30.06.2020 were 60 and number of disposed cases for the same period were only 02.

Details of progress in terms of Transferring, Taking up and Disposal of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Jammu

Sl.No.	Type of Court	Number of Cases				
		No. of Courts Functional	No. of cases at the beginning of Quarter (01.04.2020)	New Cases registered during Quarter (01.04.2020 to 30.06.2020)	Disposed during Quarter (01.04.2020 to 30.06.2020)	No. of cases pending as on 30.06.2020
1.	Courts Designated for Children under the POCSO Act.	22	204	60	02	262
2.	Pendency of cases in 05 earmarked fast track courts.	05	855	07	05	857

3	Pendency of cases relating to Sexual Offences (Rape & POCSO Act. In other regular Courts.	17	1412	12	22	1402
	Total 2&3	22	2267	19	27	2259

Source: High Court

Details of Target, Transferred, Taken up and Disposed Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per Scheme Guidelines of High Court of Jammu

Target based on Scheme Guidelines vs Actual Operationalised	Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total (2019-21)
Targets of Cases by FTSCs and Exclusive POCSO Courts to be operationalised by the State as per Scheme Guidelines	Target of cases	FTSC (Nos.)	280	224	504
		E POCSO (Nos.)	-	-	-
		Total (Nos)	280	224	504
	Number of cases Disposed	FTSC (Nos.)	-	2	2
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	2	2
	Percent of cases Disposed (%)	FTSC (Nos.)	-	0.8	0.3
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	0.8	0.3
Targets of Cases by FTSCs and Exclusive POCSO Courts actually operationalised by the State	Target of cases	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-
	Number of cases Disposed	FTSC (Nos.)	-	2	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-
	Percent of cases Disposed (%)	FTSC (Nos.)	-	-	-
		E POCSO (Nos.)	-	-	-
		Total (Nos)	-	-	-

As shown in the table above that targeted cases during the year 2019-20 was 280 and no case was disposed. During the year 2020-21 (till 30th June 2020) the number of cases targeted was 224 and the number of cases disposed were only 02. The percent cases disposed for the year 2020-21 was only 0.8%. which was on very lower side.

Details of progress in terms of Cases Transferred, Number of cases Disposed and Conviction rate of Cases by the FTSCs including Exclusive POCSO Courts during 2019-20 and 2020-21 as per High Court of Jammu

Particulars	Courts	2019-20	2020-21 (till 31.07.2020)	Total
Total Number of Cases Transferred/registered	Regular Courts Cases (No)	183	147	230
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	183	147	230
Total Number of Cases Disposed	Regular Courts Cases (No)	29	12	41
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	29	12	41
Total Number of Cases where conviction took place	Regular Courts Cases (No)	1	-	1
	FTSCs Cases (No)	-	-	-
	Exclusively POCSO Act cases (Nos.)	1	-	1
Percent Conviction to Disposal rate	Regular Courts Cases (%)	3.45	-	2.44
	FTSCs Cases (%)	-	-	-
	Exclusively POCSO Act cases (%)	3.45	-	2.44

As shown in the table above, during the year 2019-20 the percent conviction to disposal for regular court cases and Exclusive POCSO court cases was 3.45% each. But in the year 2020-21 (till 30.09.2020) there was 2.44% against the Target sets for Jammu & Kashmir.

As informed by the Registrar General of High Court the Government of Jammu and Kashmir has not released funds towards setting up of FTSCs including exclusive POCSO court till now. According to High Court vide communication office No. 1397/AC dated 23.06.2020, Govt. was requested for release of funds to the tune of Rs.56.25 lakhs but till date no funds have been released by the Government.

Particulars	Amount (Rs.Lakhs)	Date of Request	Date of Release	Number of FTSCs	Number of E POCSO Courts	UC Submission (Dates)	Remarks
Central Share Received by State Govt.	NA	NA	NA	NA	NA	NA	NA
State Share Released by State Govt.	NA	NA	NA	NA	NA	NA	NA
Funds Received by High Court	Nil	Nil	Nil	Nil	04	Nil	Vide communication office No. 1397/AC dated 23.06.2020, Govt. was requested for release of funds to the tune of Rs.56.25 lakhs but till date no funds have been released by the Government.

CHAPTER V
SUMMARY & RECOMMENDATIONS

CHAPTER V

SUMMARY AND RECOMMENDATIONS

5.1. SUMMARY OF FINDINGS

Union of India finalized a scheme in August, 2019 for setting up Fast Track Special Courts (FTSCs) for expeditious trial and disposal of cases related to Rape and POCSO Act in furtherance to the Criminal Law (Amendment) Act, 2018. It strengthened the relevant provisions of Indian Penal Code (IPC), Criminal Procedure Code (Cr.PC), Evidence Act and Protection of Children against Sexual Offences (POCSO) Act and provided for stringent punishment for rape of children and women. The Hon'ble Supreme Court of India took up the issue of "completion of timely investigations and consequential trials in the offences under POCSO Act" in *suo moto* Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019.

To assist the implementation of the Criminal Law Amendment Act 2018, the recent amendments to POCSO Act, 2019 and the directions of the Hon'ble Apex Court, key intervention was to set up specific courts for time bound disposal of Rape and POCSO Act cases. This included specific courts for POCSO Act. Department of Justice (DoJ) has been implementing the Scheme for **Fast Track Special Courts (FTSCS) for Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act**. The scheme aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country.

The Scheme was instituted for a period of 1 year - spread over 2 financial years (2019-20 and 2020-21). Under the Scheme a total of **1023** Fast Track Special Courts were to be set up all over the country. There are 389 districts in the country where the number of pending cases under POCSO Act exceeds 100. Therefore, as per the order of Hon'ble Apex Court, in each of these districts one exclusive POCSO court had to be set up which will try no other cases. Depending upon the pendency of POCSO Cases the State/UT Governments in consultation with the High Court could however decide if more number of exclusive POCSO Courts needs to be established within overall number of FTSCs provided under this scheme.

The financing of the Centrally Sponsored Scheme (CSS) is on the CSS pattern wherein 60% of the share is contributed by Central Government and 40% by State & UT Governments. This ratio of 60:40 is applicable for all States except North-Eastern States including Sikkim and three hilly States i.e., J&K, Himachal Pradesh and Uttarakhand where the sharing will be in the ratio of 90:10. Further, for UTs with legislature the ratio is 60:40 and for other UTs, entire funding is borne by the Central government.

Fund allocation for the Scheme was Rs 767.25 Crores at CSS pattern with Central share of Rs. 474 Crores under Nirbhaya Fund. Total fund allocation for the Financial year 2019-20 under the Nirbhaya fund was Rs. 140 Crores and the budgetary Estimates under Nirbhaya fund for the Financial year 2019-20 was Rs. 150 Crores under the Central Share to be released to States/UTs.

- The spread of COVID-19 pandemic in India has adversely affected the scheme implementation across India due to the closure of many Courts as a result of lock downs and local containment scenarios. Though the hearings have been held online at many places, there were delays due to state/local specific conditions. Hence, it shall be inappropriate to draw general conclusions regarding the Scheme implementation.
- Effective disposal of POCSO Cases depend to a large extent on the effective investigation undertaken by the Police Personnel to the point of evidence, identification and deputing of Special Public Prosecutors and FSL related investigations which are under State Government. Therefore, segment wise Strengthening of all the parameters are very important by the respective State Government viz., FSL may be set up for each District, Appointment of Special Public Prosecutors, Appointment of Regular Presiding Officers and Special Team of Police Personnel to investigate the POCSO cases for effective disposal. It is also important that vulnerable Witness Deposition Complexes maybe set up by the respective State Governments.
- During the time of Scheme formulation in October 2019, total 1.67 lakh Rape and POCSO Cases were pending in various Courts. However, by June 2020, the Rape and POCSO Cases have increased to 2.69 lakh.
- Central Government releases its share to State/UT Governments and State/UT Governments release both Central Government and State Government shares to High Courts for setting up FTSCs/EPOCSO Courts in the State/UT. Further, Central Government requires the consent of the State/UT Governments before the release of the funds. During the NPC field survey, it was observed that a number of State/UT Governments did not provide consent to Central Government on time to release Central funds leading to delays in the release of the Central financial Assistance during 2020-21.
- Some of the State Governments who had already received the financial grants from the Central Government did not release the funds along with State share to the respective High Courts for setting up FTSCs/ Exclusive POCSO Courts resulting in slow progress in setting up of FTSCs and E-POCSO Courts in the state.
- Total Courts to be setup according to the Guidelines across 23 States studied by NPC Study Team are 872 and the total courts made operational and functional are only 480 and 465 respectively.
- **State wise analysis w.r.t Conviction to Disposal Rate for Rape and POCSO Act Cases reveal that out of the total disposed cases only 5.54% of Regular Court Cases, 7.21% of FTSCs Cases and 17.64% for E POCSO Court cases reported conviction.**
- In the light of the increased pendency of Rape and POCSO Cases from 1.67 lakh in October 2019 to 2.69 lakh by June 2020, it is proposed that the FTSCs and E-POCSO Courts need to be urgently Operationalized by the State Governments on a war footing for achieving the core objective of the scheme towards the much needed expeditious disposal of Rape and POCSO cases.

State wise summary of NPC field survey findings are summarized below:

5.1.1 Summary of Findings from Haryana

- i. According to the administrative Guidelines Haryana State had to setup 4 Fast Track Special Courts (FTSCs) and 12 exclusive POCSO (E-POCSO) Courts. The Punjab and Haryana High Court in association with the State Government had setup all the FTSCs and E-POCSO Courts in 2019 itself.
- ii. Percentage of cases disposed against the target given by High Court was only 2.01%. Similarly, the percentage of cases disposed against the target as per the Guidelines was 4.02%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 0.91%, 0.45% and 11.63% respectively.
- iv. As informed by the Punjab & Haryana High Court, they had not received any funds from the State Government for setting up FTSCs and E-POCSO Courts.
- v. Monitoring Committee was not formed by the High Court for setting up and Operationalising FTSCs including E-POCSO Courts. Monthly report regarding institution, disposal and pendency is being compiled at High Court level from concerned FTSCs and the same is being uploaded on monthly basis on the web portal of Ministry of Law & Justice.
- vi. High Court informed that there is a requirement of female social child psychiatrist or worker to be present in the Court at the time of recording of evidence, Separate room for Prosecutrix and Child witnesses, Special training sessions for Police officials, Court staff and summoning staff are required and special police unit is required for investigating rape cases and cases under POCSO Act.
- vii. According to Presiding Officers, witnesses of the case should be present in the Court on the date fixed so that their statement can be recorded on the very day without any delay and the cases may be disposed off on a time bound manner. There is delay in disposing of the cases as witnesses are not turning upon time. Witness protection scheme may be enforced strictly.
- viii. As informed by the Presiding Officers, they need special investigating team trained in such type of investigation and there are delays in receipt of FSL reports.
- ix. As informed by the Lawyers the face and identity of victim should not be revealed in Court room & specific measures must be taken, maximum three cases should be listed in a day and investigation must be completed in 15 days and Courts should be freed from media trials as they create pressure.

5.1.2 Summary of Findings from Jharkhand

- i. As per the administrative Guidelines, Jharkhand State was required to setup 14 FTSCs and 8 E-POCSO Courts. The Jharkhand High Court informed that 8 exclusive POCSO Courts have been established with 0 judgeships and the power to try the cases related to these 8 specially designated courts are vested with 8 Judicial Officers in the rank of District and Additional Sessions Judge. Hence, at present no FTSC/E POCSO Court is functioning due to non release of funds by the Jharkhand State Government.
- ii. As per the Guidelines, Cases disposed against the target was 8.23%.

- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 9.88%, 20.99% and 26.57% respectively.
- iv. Monitoring Committee was set up by the High Court to regulate and monitor the progress of the trials under the POCSO Act.
- v. According to Presiding Officers, currently existing Judges/Court Staff Members are given the work of Presiding Officers in addition to their current work load. Full time manpower may be given to the Courts.
- vi. As informed by the Lawyers, there is a need to increase the manpower in FTSCs and E-POCSO Courts, exclusive Public Prosecutors need to be deputed in the courts for speedy and smooth facilitation of judgment.
- vii. According to litigants, number of Judges need to be increased to expedite the case disposal.

5.1.3. Summary of Findings from Madhya Pradesh

- i. According to administrative Guidelines, Madhya Pradesh State had to setup 41 FTSCs and 26 E-POCSO Courts. High Court in association with the MP State Government has setup all the FTSCs and E-POCSO Courts in the year 2019.
- ii. Percentage of cases disposed against the target given by High Court was 43.80%. Similarly, the percent cases disposed against the target as per the guidelines were 68.28%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 24.86%, 15.46% and 19.47% respectively.
- iv. Monitoring Committee was constituted by the High Court to monitor the progress of cases and they also have a district level committee for the same.
- v. As informed by the Presiding Officers, girls get sexually mature by the age of 16 years; therefore, the age of consent may be reduced to 16 years. If the age is reduced, then the cases of consent corresponding sentence can be reduced. Also two months time is very short for disposal of FTSC cases in view of the pending cases, there is no separate agency for compliance of summons and warrants and reluctance of complainant and other individual witness for giving evidence.
- vi. According to the Lawyers, the forensic age determination requested by courts when real age is unknown should not suffer unfair advantage. Ossification age determination done by some doctors who give an estimated age of +/- age of 6 months to 2 years which is very critical in deciding the age of the victim. So it is required to be looked into by the authorities seriously so that all legal procedures to which the individual age is relevant can be properly followed.
- vii. Requisite infrastructure is not available in some places especially old court rooms. In this regard, the proposal is pending with the State Government for construction of 34 child friendly courts and no progress made till date in this regard.
- viii. About 60% cases police could not complete investigation within the stipulated time and the reason for delay also not mentioned in charge sheet.
- ix. FSL facilities are available only at few places at Gwalior, Bhopal and Indore only and DNA analysis capability is only at Sagar District. Therefore, DNA/FSL reports are not available on time.

5.1.4. Summary of Findings from Telangana

- i. According to the administrative Guidelines, Telangana State had to setup 26 FTSCs and 10 E POCSO Courts. Till date no court was setup under the scheme. However, after receiving the intimation from the Department of Justice w.e.f. 02.10.2019 nine existing Fast Track Courts are designated as dedicated Fast Track Special Courts for expeditious trial and disposal of Rape and Protection of Children against Sexual Offences (POCSO) Act cases.
- ii. Percentage of cases disposed off by the FTSCs and E POCSO Courts against the target as per Guidelines was 54.26%.
- iii. As informed by High Court, they have formed a Monitoring Committee. However, the Committee could not meet since March 2020 till date as the trial courts are functioning virtually and no trial matters are taken up physically by the Courts due to COVID-19 Pandemic lock downs.
- iv. According to the lawyers, the courts are running as per the procedures. For greater impact, in all POCSO cases, the judgement should be delivered within 3 months from the date of offence, as the victim is normally child of tender age and the victim can't identify the culprit easily if the case prolongs for longer period, as they normally will have short memory.
- v. As per the information provided by the Presiding Officers, TV Screen and related equipment may be provided to them for better victim friendly environment in Witnessing/Identification process.

5.1.5. Summary of Findings from Assam

- i. According to the administrative Guidelines, Assam State had to setup 12 FTSCs and 15 E POCSO courts. A total of 10 courts were sanctioned by the State Government all of which are exclusive POCSO courts. At Present 7 Exclusive POCSO Courts are operationalized and are functional.
- ii. Percentage of cases disposed off by the FTSCs and E POCSO Courts against the target given in Guidelines was only 3.03%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 8.51%, 0.00% and 14.62% respectively.
- iv. As informed by High Court that there is a Monitoring Committee at the High Court level where details on Status of the ongoing and pending cases are shared.
- v. According to the Registrar General of the High Court, suitable infrastructure is not available.
- vi. According to the Presiding Officers, the current allocation of manpower i.e., 7 per court is not adequate.
- vii. As informed by the Lawyers, during the trial when testimonies of the witness / accused / victims are recorded, the same should be displayed in the court room to the legal counsels of both the parties so that cross examination can be done properly and there are no prejudice in the mind of the accused and witness.

5.1.6. Summary of Findings from Tripura

- i. According to the administrative Guidelines, Tripura State had to setup 2 FTSCs and One E POCSO court. The High Court of Tripura in association with the State Government has setup both the FTSCs and E POCSO Court in 2019.
- ii. Percentage of Cases disposed against the target given by High Court was 12.10%. Similarly, the percentage of cases disposed off against the target as per guidelines were 12.96%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 3.14%, 2.02% and 37.84% respectively.
- iii. As informed, no Monitoring Committee was formed by the High Court for monitoring the setting up and Operationalising FTSCs including E POCSO Courts. Monthly Report regarding disposal and pendency of cases is being compiled by the High Court from the FTSCs and E POCSO courts.
- iv. According to the Presiding Officers, they are facing delays in getting results due to various circumstantial reasons on the part of Victims, Witnesses, etc., and rules must be formulated to make Investigation agencies accountable to the court.
- v. As informed by the Lawyers, rules may be formed by the Hon'ble Supreme Court for the protection of victim and witness and separate counseling mechanism arranged in the Court.
- vi. As informed by the Litigants/Witness, provision of security may be arranged for them by the State Government.

5.1.7. Summary of Findings from Himachal Pradesh

- i. As per the administrative Guidelines, Himachal Pradesh State had to setup 3 FTSCs and 3 E POCSO courts. The High Court of Himachal Pradesh in association with the State government has setup all the 3 E POCSO in the year 2019 and the work of setting up 3 FTSCs is in progress.
- ii. The percent cases disposed against the target given by high court cannot be calculated because of target was not given by the High Court to the FTSCs and E POCSO Courts. The percent cases disposed against the target given in guidelines was 16.53%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 3.55%, 0.00% and 34.83% respectively.
- iv. As informed they have constituted a Monitoring Committee and quarterly.
- v. According to the Presiding officers, retired Public Prosecutor may not be appointed & regular Public Prosecutor may be provided for proper administration of justice and experienced & committed Investigating Officers should be appointed to conduct investigation in such cases so as to leave no loopholes in the investigation.
- vi. As informed by the Lawyers there should be female prosecutors as well as other female staff so that prosecutrix feel comfortable.

5.1.8. Summary of Findings from Tamil Nadu

- i. As per the administrative Guidelines, Tamil Nadu State had to setup 14 E POCSO courts. The Madras High Court in association with the State government has setup 16 E POCSO Courts.
- ii. Percentage of cases disposed off against the target given by High Court was 26.49%. Similarly, the percentage of cases disposed against the target given in guidelines was 26.70%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 20.28%, 0.00% and 12.15% respectively.
- iv. As informed by the Presiding Officers, major problems faced by them are Non-Cooperation of Police and lack of place in Courts. The police personnel are over burdened whenever the case is posted for trial and summons are issued to the witnesses. Police fail to produce them before Court as they are made to attend sudden bandobast duty. Most of the victims are girls and they are in the age group of 15 to 18 years and are mainly love affair cases and many of them turn hostile at the end and a lot of Court time is wasted.
- v. As informed by the Lawyers, Senior Judicial officers need to be appointed as POCSO court Judge and special Police team to be formed for investigation and conduct of POCSO Cases.
- vi. According to the litigants, the Presiding Officers must be females.

5.1.9 Summary of Findings from Rajasthan

- i. As per the administrative Guidelines, Rajasthan State had to setup 19 FTSCs and 26 E POCSO courts. The Rajasthan High Court in association with the State Government has setup 30 FTSCs and 26 E POCSO courts.
- ii. Percentage of cases disposed off against the target given as per guidelines was 60.50%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 11.42%, 27.75% and 31.85% respectively.
- iv. As informed by the Presiding Officers, aggravated, penetrative, sexual assault (u/s. 5/6 of the POCSO Act) should be mandatorily covered under case officer scheme of Police and FSL and DNA reports must be filed along with the chargesheet.

5.1.10 Summary of Findings from Punjab

- i. As per the administrative Guidelines, Punjab State was expected to setup 10 FTSCs and 2 E POCSO Courts. However, High Court in association with the State Government has setup only 03 E POCSO courts.
- ii. Percentage of cases disposed off against the target given by High Court was 32.56%. Similarly, the percent cases disposed against the target given in guidelines was 16.60%.

- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 6.46%, 0.00% and 17.88% respectively.
- iv. High Court did not constitute any Monitoring Committee.
- v. Presiding Officers opined that the FSL chemical examiner office should be at the district level so that the reports could be submitted without any delay and there must be special cadre for the officers, who are supposed to deal with these cases. If it is done, it would certainly increase the disposal and would result in substantial decrease in pending cases.
- vi. According to the Presiding Officers, special training need to be given to the investigation officers who instigate the cases registered under the POCSO Act. It is imperative that a special team who received special training should investigate the cases in scientific, quick and time bound manner.

5.1.11. Summary of Findings from Chandigarh

- i. As per the administrative Guidelines, Chandigarh had to setup ONE FTSC. The FTSC was not setup by the Government till date.
- ii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 48.13%, 0.00% and 0.00% respectively.
- iii. As informed by High Court that there is a Monitoring Committee
- iv. As informed by the Presiding Officers, the CFSL reports in such cases should be time bound and if CFSL lack infrastructure then thrust should be on that side.
- v. According to the Presiding Officers, special training need to be given to the investigation officers who instigate the cases registered under the POCSO Act. It is imperative that a special team who received special training should investigate the cases in scientific, quick and time bound manner.
- ii. As informed by the Presiding Officers, major challenge in operationalising these courts is to curtail the unnecessary adjournments sought by the Counsels and to ensure the presence of the witnesses on the date fixed.

5.1.12. Summary of Findings from Uttar Pradesh

- i. As per the administrative Guidelines, Uttar Pradesh State had to setup 144 FTSCs and 74 E POCSO Courts. The Allahabad High Court in association with the State Government has already setup all the 144 FTSCs and 74 E-POCSO courts.
- ii. Percentage of cases disposed against the target given by High Court was 32.31%. However, the percentage of cases disposed against the target given in guidelines was 36.13%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 5.71%, 1.75% and 8.90% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. High Court has constituted a Monitoring Committee and it is responsible for the regular monitoring of expeditious disposal of such cases.

- vi. According to the State Law Secretary, more funds are required and direct Monitoring by special prosecutor not by DG is required.
- vii. According to Lawyers, behavior of Presiding Officers should be friendly towards both advocates and victims.

5.1.13. Summary of Findings from Gujarat

- i. As per the administrative Guidelines, Gujarat State is required to setup 24 FTSCs and 11 E POCSO Courts. The Gujarat High Court in association with the State Government had already setup 24 FTSCs and 11E POCSO courts.
- ii. Percentage of cases disposed against the target given by High Court was 19.05%. However, the percentage of cases disposed against the target given as per guidelines was 25.92%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 11.73%, 12.04% and 16.50% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. High Court has constituted a Monitoring Committee.
- vi. According to the High Court, the scheme may be extended at least for next two years for effective implementation of the scheme.
- vii. Periodically official publications hares the data w.r.t registration – pendency – disposed of Cases, State wise, District wise, Court wise etc. Periodically interaction amongst various stake holders such as Courts, Investigating Agencies, Medical services, Social services, Research source persons and Government at both level (Central and State) are also taken up.
- viii. Training at regular interval to concerned Presiding Officers and APPs.

5.1.14. Summary of Findings from Andhra Pradesh

- i. As per the administrative Guidelines, Andhra Pradesh State had to setup 10 FTSCs and 08 E POCSO Courts. The High Court of Andhra Pradesh in association with the State Government has only setup 08 E POCSO Courts.
- ii. Percentage of cases disposed against the target given by High Court was 16.46%. Similarly, the percentage of cases disposed against the target given in guidelines was 43.21%.
- iii. According to the suggestions given by High Court, it would be ideal if a Special Investigation Team headed by a Woman Police Officer is constituted for each District, to investigate the offences under POCSO Act.
- iv. In most of the cases victims are turning hostile due to various reasons including poverty. If the victims are shifted to rescue homes and they are provided food, shelter, clothing, education, etc., the objective of the Scheme will be effectively met.
- v. Protective environment for every child should be provided within the vicinity of the Court Building and to inculcate "Sense of Dignity of Women" to the Victim to support free and fair trial.

5.1.15. Summary of Findings from Chhattisgarh

- i. As per the administrative Guidelines, Chhattisgarh State was expected to setup 4 FTSCs and 11 E POCSO Courts. High Court of Chhattisgarh in association with the State Government has setup 4 FTSCs and 13 E POCSO Courts.
- ii. Percentage of cases disposed against the target given by High Court cannot be calculated since the target was not given by the High Court. Percentage of cases disposed against the target given in guidelines has been estimated at 22.22%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 12.76%, 22.22% and 35.37% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. High Court has constituted a Monitoring Committee for quarterly monitoring.
- vi. As informed by the High Court they do not have sufficient infrastructure and manpower.

5.1.16. Summary of Findings from Karnataka

- i. As per the administrative Guidelines, Karnataka State had to setup 14 FTSCs and 17 E POCSO courts. The High Court of Karnataka in association with the State Government has setup only 08 E POCSO Courts.
- ii. Percentage of cases disposed against the target given by High Court was 9.08%. Similarly, the percentage of cases disposed against the target as per guidelines was 1.97%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 42.72%, 10.39% and 13.65% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. As informed they have constituted a Monitoring Committee.
- vi. According to High Court, there was a positive impact of the scheme and pendency of the cases declined after the implementation of the scheme.

5.1.17. Summary of Findings from Kerala

- i. As per the administrative Guidelines, Kerala State had to setup 42 FTSCs and 14 E POCSO courts. The High Court of Kerala in association with the Kerala State Government has setup only 17 FTSCs.
- ii. Percentage of cases disposed against the target as per guidelines was estimated at 0.01% which is very low.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 4.47%, 0.00% and 6.19% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. High Court informed that a high power committee has been constituted for monitoring and timely implementation of the Scheme. High Court informed that there was a positive impact of the scheme and pendency of the cases has declined after the implementation of the scheme.

- vi. High Court informed that the funds provided are insufficient to meet the requirement such as arranging video conferencing etc. Since the Courts will be examining child/ vulnerable witness, video conferencing facility has to be arranged in all the FTSCs for which an additional Rs. 5 lakhs per Court is required.

5.1.18. Summary of Findings from Odisha

- i. As per the administrative Guidelines, Odisha State had to setup 23 FTSCs and 22 E POCSO Courts. The High Court of Odisha in association with the Odisha State Government has setup only 15 FTSCs.
- ii. Percentage of cases disposed against the target given in guidelines was estimated at 1.75% which is very low.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 11.70%, 0.00% and 15.61% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. As informed, the High Court has not constituted any Monitoring Committee.
- vi. According to High Court, Central Government may issue necessary directions to State Government to take necessary steps expeditiously for operationalising FTSCs.

5.1.19. Summary of Findings from Uttarakhand

- i. As per the administrative Guidelines, Uttarakhand State had to setup 4 E POCSO Courts. The High Court of Uttarakhand in association with the Uttarakhand State Government has setup 4 FTSCs.
- ii. Percentage of cases disposed against the target given by High Court was 41.23%. Similarly, the percentage of cases disposed against the target in guidelines was estimated at 25.79%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 26.42%, 15.04% and 0.00% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. High Court informed that no quarterly monitoring undertaken on operation and cases handled by FTSCs including exclusive POCSO Courts and no committee has been formed for the same.
- vi. As informed by the High Court, Investigation Agency should be well trained and well versed with the law and preferably experienced I.Os should be given the responsibility of investigation of such cases and there are only two Forensic Science Labs in the State, hence the number of Labs should be increased so that FSL Reports are received well in time, as some of the cases are delayed for want of FSL Reports.
- vii. According to High Court sometimes the child / victim is not able to speak and express himself/herself, hence the service of translators are required.

5.1.20. Summary of Findings from Meghalaya

- i. As per the administrative Guidelines, Meghalaya State had to setup 4 E-POCSO Courts. The High Court of Meghalaya in association with the Meghalaya State Government has setup 4 FTSCs.
- ii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 13.74%, 0.00% and 43.24% respectively.
- iii. As informed by High Court that there is a Monitoring Committee
- iv. Major Challenges faced are listed as follows:
 - Dearth of retired Grade-I Judicial Officers/Qualified Presiding Officer in the State is a major challenge.
 - The State faces challenges in setting up/acquiring temporary infrastructure/scouting suitable infrastructure.
 - Finding Presiding Officers and qualified staff and recruitment is a challenge for the State since the time frame of the scheme is only 2 years.
- v. As informed by the High Court, the duration of the scheme is very short for setting up and recruiting Presiding Officers and Staff and for effective implementation of such scheme in the coming years, perhaps, the duration/length of the scheme may be extended for a period of minimum 5 years. Besides, the staff requires at least basic judicial training.

5.1.21. Summary of Findings from Maharashtra

- i. As per the administrative Guidelines, Maharashtra State had to setup 108 FTSCs and 30 E POCSO Courts. The Bombay High Court in association with the Maharashtra State Government has setup only 19E POCSO Courts out of that only 04 E POCSO Courts are functional.
- ii. Percentage of cases disposed against the target given in guidelines was estimated at 0.10%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 4.49%, 20.00% and 17.07% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. According to High Court, getting FTSCs operationalised seem a bit cumbersome, since getting retired Judicial Officers and staff for FTSCs is a tedious work. Either adequate number of retired Judicial Officers and staff are not available or, if they are available, they seem to be reluctant to take up the work and preside over or work in FTSCs. There are other challenges as well in operationalising FTSCs.

5.1.22. Summary of Findings from Bihar

- i. As informed by the Registrar General of High Court no funds have been utilized during the financial year 2019-20 for setting up of courts.
- ii. High Court has constituted a Monitoring Committee.

5.1.23. Summary of Findings from Jammu & Kashmir

- i. As informed by the Registrar General of High Court no funds were utilized during the financial year 2019-20 for setting up of courts.
- ii. Percentage of cases disposed against the target given in guidelines was estimated at 0.3%.
- iii. Based on the analysis of data provided by the High Court, the State level Conviction to Disposal rate for Regular Court Cases, FTSC Cases and E POCSO Court Cases are 2.44%, 0.00% and 2.44% respectively.
- iv. As informed by High Court that there is a Monitoring Committee
- v. As informed by the Registrar General of High Court, Government of Jammu and Kashmir has not released the funds towards setting up of FTSCs including exclusive POCSO courts till now.
- vi. According to High Court vide communication office No. 1397/AC dated 23.06.2020, Government was requested to release Rs.56.25 lakh funds but till date no funds have been released by the State Government.

5.2. SUGGESTIONS AND RECOMMENDATIONS:

- The spread of COVID-19 Pandemic has adversely affected the scheme implementation across India due to the closure of many Courts due to State/Region specific lock down scenarios. Though the hearings have been held online at many places, there were undue delays due to local specific conditions. Hence, it shall be inappropriate to draw general conclusions regarding the Scheme implementation.
- Effective disposal of POCSO Cases depend to a large extent on the effective investigation conducted by Police Personnel w.r.t evidence, identification, deputing of Public prosecutors and FSL related investigations which are under State Government. Therefore, segment wise Strengthening of all the parameters are very important by the respective State Government viz., FSL may be set up for each District, Appointment of Special Public Prosecutors, Appointment of Regular Presiding Officers and Special Team of Police Personnel to investigate the POCSO cases for effective disposal. It is also important that vulnerable Witness Deposition Complexes maybe set up by the respective State Governments.
- During the time of Scheme formulation in October 2019, about 1.67 lakh Rape and POCSO Cases were pending in various Courts. However, by June 2020, the Rape and POCSO Cases have increased to 2.69 lakh. Therefore, it is recommended that the Centrally Sponsored Scheme needed to be effectively implemented across States/UTs and need to be continued for atleast next two financial years as well.
- Central Government has to release its own share to State government and State Government releases both Central and State shares to the High Court which further setup FTSCs/E POCSO Courts in the State. Further, Central Government requires the consent of the State Governments for release of the funds. During the NPC field survey it has been reported that many State Governments did not provide the consent on time due to which the release of Central funds got delayed and Central Assistance for the year 2020-21 is yet to be released to many states.
- In the case of some of the States who had received the grant from the Central Government they did not release it to the respective High Courts for setting of FTSCs/

Exclusive POCSO Courts in the state which has also resulted in slow progress in setting up FTSCs and E-POCSO Courts.

- In the light of increased number of pending Rape and POCSO Cases at 2.69 lakh by June 2020, it is proposed that the remaining earmarked Courts need to be Operationalized by the State Governments on a war footing so that the core objective of the scheme towards expeditious disposal of Rape and POCSO cases could be realized.
- FTSCs/E POCSO Courts set up under the Scheme may be monitored on a monthly basis by the High Courts and the Monthly Reports may be sent to Department of Justice.
- The findings of the study suggest that there is an urgent need to organize Training programmes for all the stakeholders and awareness campaigns for the public may also be undertaken on a regular basis to achieve the objectives of the FTSCs/Exclusive POCSO Courts Scheme.
- Till June 2020, the Rape and POCSO Cases had risen to 2.69 lakhs. Considering the increase in the number of cases, it is proposed that the remaining earmarked courts may be Operationalized by the state governments on an urgent basis so that the core objective of the scheme towards the much needed expeditious disposal of Rape and POCSO cases could be realized.
- Annual target set for the disposal of cases i.e., 165 cases per annum which is on a higher side hence there is a need to revise it downwards factoring in the present level of disposal rate.
- During the study, it was reported that there were delays in getting DNA & Forensic Science Laboratories (FSL) Reports and the same are not available on time as FSL facilities are available at few places only. Non availability of DNA & FSL reports causes delay in disposal of cases.
- There is an urgent need to establish more Forensic Science Laboratories in the country for speedy disposal of cases. These laboratories are clearly lacking in number which delays the proceeding of a case in the courts.
- It is also recommended that there should be a time frame for the submission of FSL Reports to prevent unnecessary delays in the cases.
- According to the Lawyers, forensic age determination requested by Courts when real age is not known should not lead to unfair advantage. Ossification age determination done by some doctors who give an estimated age of +/- age of 6 months to 2 years which is very critical in deciding the age of the victim. So it is required to be looked into by the authorities seriously so that all legal procedures to which the individual age is relevant can be properly followed.
- The investigation by Police in many cases is not completed within the stipulated time and reasons for delay also are not stated in the charge sheet.
- In most of the cases the presence of witnesses is not secured timely by the prosecution agency resulting in delays.
- Special interpreters/translators/special educators are not specifically nominated in each POCSO Court which also results in delay. Poor quality of Video Conferencing Connectivity results in delay in proceedings.
- Service of summons & warrants and processes is not satisfactory which also results in delay. There is a need to create high priority system of Service of summons & warrants and processes.

- There is a requirement to establish witness protection and compensation scheme for the security of the witnesses in the cases before FTSCs/Exclusive POCSO Courts. This will ensure deposition in the court whenever required without any difficulty.
- It is important that Vulnerable Witness Deposition Complexes (such as those established in Delhi) may be set up in other states as well at district level.
- In order to ensure that advocates are properly acquainted with the functioning of FTSCs/Exclusive POCSO Courts, they must be provided with necessary guidance or ready reckoner for their assistance.
- There is an urgent need to appoint more Presiding Officers for operationalising not just FTSCs/Exclusive POCSO Courts but also regular courts as well to address effectively increasing pendency of cases.
- It will be helpful if judges who are experienced in dealing Rape and POCSO Cases are appointed as Presiding Officers in FTSCs/Exclusive POCSO Courts.
- For the effective functioning of the FTSCs/ Exclusive POCSO Courts, there is a requirement of full time Presiding Officers and ensure the availability of dedicated staff. These Presiding Officers would be in a better position to dispose of cases in a timely manner and ensure fair and just trial.
- Adequate number of Staff separately for FTSCs/ Exclusive POCSO Courts needs to be provided for each FTSC/ Exclusive POCSO Courts and the staff pattern as given in the guidelines need to be strictly followed.
- NPC Study Team observed that there were delays in releasing the State Rules and announcing the notifications. There is an urgent need for specific notifications and guidelines for the functioning of FTSCs/ Exclusive POCSO Courts at State/High Court level. These guidelines can provide adequate directions to the judges for efficient working. There is a need for specific recommendations of the National Court Management System which are applicable to Fast Track Special Courts for Rape & POCSO Act Cases/ Exclusive POCSO Courts.
- Grant of Central Assistance for the year 2020-21 has not yet been received by most of the States and the funds are not released giving pro rata consideration to the number of FTSCs/ Exclusive POCSO Courts created by the state.
- It is crucial for the effective functioning of FTSCs/Exclusive POCSO Courts that judges are allowed to put case specific time frames for deciding cases in FTSCs.
- In order to reduce pendency of cases, it is important that there is a requirement of holding monthly online meetings at High Court level of all Presiding Officers in FTSCs/ Exclusive POCSO Courts to monitor their progress and disposal of cases.
- There is a requirement of immediate action on providing safe and comfortable environment to victims especially women and children in all FTSCs in the country by using modern technology like video conference/web platform etc.
- For the smooth functioning of FTSCs/Exclusive POCSO Courts, it is essential that judges are provided with proper and updated modern facilities like computer, technical staff and internet.
- The finding of the study suggests that there is an urgent requirement for providing training to Support Staff and other Court personnel to fulfill the objectives of FTSCs/Exclusive POCSO Courts.
- It is recommended that incentives should be given to Judges for disposal of cases which are pending for more than 5 years to clear the backlog of cases in

FTSCs/Exclusive POCSO Courts. This will also encourage and motivate judges to handle these cases in a speedy manner.

- Adequate publicity of enactment of Fast Track Special Courts (FTSCs) for Rape & POCSO Act Cases/ Exclusive POCSO Courts and awareness about the FTSCs/ Exclusive POCSO Courts need to be brought to the notice the public through legal awareness programmes etc. Further, NGOs, Legal Service Authorities etc., may be engaged to ensure awareness about the same to Litigants/ Witnesses and general public.
- Delays/non release of Central funds by the State to the High Courts coupled with the non-release of State share adversely affected the implementation of the Fast Track Special Courts for Rape & POCSO Act Cases/ Exclusive POCSO Courts. Further, many State Governments are yet to submit UCs to DoJ for further release of the installments. However, Certain States such as Uttar Pradesh have released funds in a lump sum manner along with the regular release. State government of Rajasthan has released funds at a much higher level for the implementation of the scheme.
- Creation of awareness among various stakeholders: Suitable steps may be taken for creating awareness among various stakeholders including the Public Prosecutors and Police Officers.
- Cases in FTSCs/Exclusive POCSO Courts have been pending for around one year. This defeats the purpose of FTSCs/Exclusive POCSO Courts to provide speedy justice. This is due to a number of reasons including delay in submission of evidence (e.g. lack of timely submission of the Forensic Science Laboratory Report).
- DoJ may form a State Monitoring Committee under the Chairmanship of Chief Justice of the High Court with a member from DoJ and members including Chief Secretary, Principals Secretary (Law), Principals Secretary (Home)/ DGP, Principal Secretary (Finance), Registrar General, Chairman and Nodal Officer (FTSCs/Exclusive POCSO Courts) at High Court. Terms of Reference (ToR) of the Committee may be prepared and the Committee may submit report to DoJ. For effective functioning of FTSCs/Exclusive POCSO Courts, Committee also needs to be formed at District Judgeship and District Magistrate and SSP/SP, Presiding Officers and other official related to FTSCs/Exclusive POCSO Courts need to be included.
- FTSCs/Exclusive POCSO Courts have a long way to go in fulfilling their purpose, whether improving access to judicial institutions or reducing pendency of cases. Despite being excellent models, FTSCs/Exclusive POCSO Courts have been grappling with systemic defects, inadequate consideration of the need based decision taking, funding and worst of all, lack of due consideration marred by delays at various levels coupled with the extraordinary situation of COVID-19 pandemic.

Based on the detailed analysis of data, information and field level feedback collected from State Law Secretaries, Registrar Generals of High Courts, Presiding Officers of FTSCs/Exclusive POCSO Courts, Lawyers, Witnesses/Litigants etc., it has been observed that the Scheme implementation during 2019-20 to 2020-21 has made only marginal improvements in expeditious disposal of Rape and POCSO Cases across India. However, many High Courts have come on board for implementing the Scheme. Despite being excellent model, FTSCs/Exclusive POCSO Courts have been grappling with systemic defects, delays in the timely release of funds received from Central Government by the State Government to High Courts and delays in the release of

State's own share by majority of States coupled with the extraordinary situation of COVID-19 pandemic. Considering the importance of the scheme and its contribution towards the much needed expeditious disposal of Rape and POCSO Act Cases, it is recommended that the Centrally Sponsored Scheme need to be continued for atleast two financial years as well with additional funds and professional project management systems in place and regular monitoring by Department of Justice, Ministry of Law and Justice, Government of India.

ANNEXURES

ANNEXURE 1.1

SURVEY QUESTIONNAIRE: FAST TRACK SPECIAL COURTS (RAPE AND/OR POCSO COURTS) AND EXCLUSIVE POCSO COURTS

STATE LAW SECRETARY (STATE GOVERNMENT)

National Productivity Council (NPC) under Ministry of Commerce & Industry, Government of India, has been engaged to undertake “Third Party Evaluation of the Scheme on Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act” by Department of Justice, M/o Law and Justice, Government of India. The Hon’ble Supreme Court of India took up the issue of “completion of timely investigations and consequential trials in the offences under POCSO Act” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. The present scheme of Department of Justice aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO courts across the country. Third Party Evaluation of the Scheme undertaken by NPC comprises of the aspects of the operation of the scheme such as progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts, progress in terms of taking up and disposal of the cases, in transferring cases, progress with reference to targets set, constraints faced by the FTSCs including exclusive POCSO courts in delivering justice expeditiously post October 2019 and recommendations for maximising the impact of the scheme. The third party evaluation will also include assessment of improvements in Fast Track Justice Delivery, identify the major problems/challenges faced in operationalising FTSCs including exclusive POCSO courts, monitoring mechanism and suggest suitable modification(s), if any, for making the Scheme more effective in the coming years.

The information/data provided would be kept confidential and would be utilized exclusively for the study purposes only.

1.0	General Information					
1.1	State (1=Uttar Pradesh,2=Haryana,3=Himachal Pradesh, 4=Jharkhand, 5= Madhya Pradesh, 6=Ahmedabad, 7=Telengana, 8=Tamil Nadu, 9=Assam, 10=Tripura)					
1.2	Details of the Department: _____ Address: _____ _____					
1.3	Name of the Respondent: _____ Designation: _____ Tel. No. _____ Mobile No. _____ E-mail: _____					
1.4	Please provide the following details about the FTSCs including exclusive POCSO courts under the Centrally Sponsored Scheme for effective implementation of Cr. Law Amendment Act, 2018 post October 2019					
	Number of Exclusive POCSO courts (ePOCSO courts) sanctioned for the state (Nos)	Number of FTSCs ((Rape and/or POCSO courts) sanctioned for the state (Nos)	Number of Exclusive POCSO courts (ePOCSO courts) Operationalised in the State as on 31 st July 2020 (Nos)	Number of FTSCs ((Rape and/or POCSO courts) Operationalised in the State as on 31 st July 2020 (Nos)	Number of Exclusive POCSO courts (ePOCSO courts) Functional in the State as on 31 st July 2020 (Nos)	Number of FTSCs ((Rape and/or POCSO courts) Functional in the State as on 31 st July 2020 (Nos)

2.0	Details on Budget Released for Establishing & Operationalising FTSCs including exclusive POCSO courts:						
2.1	Central Share of Budget Released for Establishing & Operationalising FTSCs including exclusive POCSO courts in the ratio of 60:40 applicable for all States except North-Eastern States including Sikkim and three hilly States i.e. J&K, Himachal Pradesh and Uttarakhand where the sharing will be in the ratio of 90:10. For each FTSC, INR 75 Lacs is provided for one year:						
	Details of Central Share Released (Rs. Lakhs)			Number of Fast Track Special Courts (FTSCs) other than Exclusive POCSO Act Courts for which funds sought (Nos.)	Number of Exclusive POCSO Act Courts for which funds sought (Nos.)	UC Submission (Dates)	Remarks
	Amount (Rs.Lakhs)	Date of Request	Date of Release				
2.2	State Share of Budget Released for Establishing & Operationalising FTSCs including exclusive POCSO courts:						
	Details of State Share Released (Rs. Lakhs)			Number of Fast Track Special Courts (FTSCs) other than Exclusive POCSO Act Courts for which funds sought (Nos.)	Number of Exclusive POCSO Act Courts for which funds sought (Nos.)	UC Submission (Dates)	Remarks
	Amount (Rs.Lakhs)	Date of Request	Date of Release				
2.3	Details of average Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts per year						
	Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)		Remarks (Present Status and Problems, if any)		
	1						
	2						
	3						
	4						
		Total					
2.4	Whether the Central Share of Centrally Sponsored Scheme was received on time? (1= Yes, 2= No)						
2.4.1	If No, please indicate the delay in getting the Central Assistance in months (1= 0-2 Months, 2= 3-5 Months, 3= 6-9 Months, 4= 10-12 Months, 5= More than one year)						
2.5	Whether the State Share towards the scheme was released on time? (1= Yes, 2= No)						
2.5.1	If No, please indicate the delay in releasing the State share in months (1= 0-2 Months, 2= 3-5 Months, 3= 6-9 Months, 4= 10-12 Months, 5= More than one year)						
2.6	Whether the Fast Track Special Courts including exclusive POCSO courts were Established and Operationalised immediately after the Central notification (1= Yes, 2= No)						
2.6.1	If No, please indicate the delay in months in the establishment and operationalisation of FTSCs including exclusive POCSO courts after receipt of the Central notification (1= 0-2 Months, 2= 3-5 Months, 3= 6-9 Months, 4= 10-12 Months, 5= More than one year)						

2.6.2	<p>Please also elaborate the reasons for delay in establishment and operationalisation of FTSCs including exclusive POCSO courts after receipt of the Central notification</p> <p>_____</p> <p>_____</p> <p>_____</p>
2.7	<p>Whether State government has made specific rules for carrying out the provisions of the Act for effective implementation of Cr. Law Amendment Act, 2018 after October 2019? (1= Yes, 2= No)</p>
2.7.1	<p>If Yes, Please provide a copy of the rules framed</p>
3.0	<p>Details on Functioning and Monitoring of FTSCs including exclusive POCSO courts:</p>
3.1	<p>Is there Quaterly monitoring undertaken on the operation and cases handled by Fast Track Special Courts including exclusive POCSO courts: (1= Yes, 2= No)</p>
3.1.1	<p>If yes, please elaborate (please also provide the copy of latest available monitoring report)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
3.2	<p>Whether State government has formed Monitoring Committee for monitoring of the Establishing & Operationalising FTSCs including exclusive POCSO courts? (1=Yes, 2=No)</p>
3.2.1	<p>If yes, Please give details (Please specify/Enclose) the composition of the Monitoring Committee and minutes of the meetings?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
3.3	<p>Whether due procedures have been adopted for the selection and appointment of the 1 Presiding Officer and 7 staff members per year? (1= Yes, 2= No)</p>
3.3.1	<p>If Yes, Please explain briefly the selection process</p> <p>_____</p> <p>_____</p> <p>_____</p>
4.0	<p>Impact of the Scheme and suggestions for Improvement</p>
4.1	<p>What is the impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism? (1= Positive, 2= Negative, 3= No change, 4= No comment)</p>
4.2	<p>If Positive, Please specify whether the new registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts .</p> <p>_____</p> <p>_____</p> <p>_____</p>
4.3	<p>Please elaborate the major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts</p> <p>_____</p> <p>_____</p> <p>_____</p>

4.4	<p>What are the additional support measures urgently required from Central Government in the setting up and operationalising the FTSCs including exclusive POCSO courts in the state?</p> <hr/> <hr/> <hr/>
4.5	<p>Please elaborate any modifications proposed in the scheme for disposal of pending rape & POCSO Act cases. if any, for its effective implementation in the coming years and in reducing pendency & speedy disposal of cases in the State.</p> <hr/> <hr/> <hr/>
4.6	<p>Please provide Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years and speedy disposal of cases in the State.</p> <hr/> <hr/> <hr/>
<ul style="list-style-type: none"> • Please provide the list of the operationalized FTSCs including exclusive POCSO courts in the state 	
<ul style="list-style-type: none"> • Please provide the List of functional FTSCs including exclusive POCSO courts in the state comprising of Location of Courts and Name of the respective Judges/ Presiding Officer and their contact information. 	
<ul style="list-style-type: none"> • Please provide the copy of the latest quarterly Report on the establishing and operationalising the FTSCs including exclusive POCSO courts in the state 	
<ul style="list-style-type: none"> • Please provide a copy of specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country 	

Name of the NPC Official/Investigator: _____

Signature: _____

Place of Survey: _____

Date: _____

Name and Signature of the Official
with Seal

Thank You

ANNEXURE 1.2

SURVEY QUESTIONNAIRE: FAST TRACK SPECIAL COURTS (RAPE AND/OR POCSO COURTS) AND EXCLUSIVE POCSO COURTS

REGISTRAR GENERAL (HIGH COURT)

National Productivity Council (NPC) under Ministry of Commerce & Industry, Government of India, has been engaged to undertake “**Third Party Evaluation of the Scheme on Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act**” by Department of Justice, M/o Law and Justice, Government of India. The Hon’ble Supreme Court of India took up the issue of “*completion of timely investigations and consequential trials in the offences under POCSO Act*” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. **The present scheme of Department of Justice aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO courts across the country.** Third Party Evaluation of the Scheme undertaken by NPC comprises of the aspects of the operation of the scheme such as progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts, progress in terms of taking up and disposal of the cases, in transferring cases, progress with reference to targets set, constraints faced by the FTSCs including exclusive POCSO courts in delivering justice expeditiously post October 2019 and recommendations for maximising the impact of the scheme. The third party evaluation will also include assessment of improvements in Fast Track Justice Delivery, identify the major problems/challenges faced in operationalising FTSCs including exclusive POCSO courts, monitoring mechanism and suggest suitable modification(s), if any, for making the Scheme more effective in the coming years.

The information/data provided would be kept confidential and would be utilized exclusively for the study purposes only.

1.0	General Information					
1.1	State (1=Uttar Pradesh,2=Haryana,3=Himachal Pradesh, 4=Jharkhand, 5= Madhya Pradesh, 6=Ahmedabad, 7=Telengana, 8=Tamil Nadu, 9=Assam, 10=Tripura)					
1.2	High Court (1= Allahabad High Court, 2= Punjab and Haryana High Court, 3= Himachal Pradesh High Court, 4= Jharkhand High Court, 5= Madhya Pradesh High Court, 6= Ahmedabad High Court, 7= High Court of Telengana, 8= Madras High Court, 9= Gauhati High Court, 10= Tripura High Court)					
1.3	Details of the High Court : _____ Address: _____					
1.4	Name of the Respondent: _____ Designation: _____ Tel. No. _____ Mobile No. _____ E-mail: _____					
1.5	Please provide the following details about the FTSCs including exclusive POCSO courts under the Centrally Sponsored Scheme for effective implementation of Cr. Law Amendment Act, 2018 after October 2019					
	Number of Exclusive POCSO courts (ePOCSO courts) sanctioned for the state (Nos)	Number of FTSCs ((Rape and/or POCSO courts) sanctioned for the state (Nos)	Number of Exclusive POCSO courts (ePOCSO courts) Operationalised in the State as on 31st July 2020 (Nos)	Number of FTSCs ((Rape and/or POCSO courts) Operationalised in the State as on 31st July 2020 (Nos)	Number of Exclusive POCSO courts (ePOCSO courts) Functional in the State as on 31st July 2020 (Nos)	Number of FTSCs ((Rape and/or POCSO courts) Functional in the State as on 31st July 2020 (Nos)

2.0	Details on Budget Released for Establishing & Operationalising FTSCs including exclusive POCSO courts:						
2.1	Budget Released to High Court by State for Establishing & Operationalising FTSCs including exclusive POCSO courts:						
	Details of Budget Released (Rs. Lakhs)			Number of Fast Track Special Courts (FTSCs) other than Exclusive POCSO Act Courts for which funds sought (Nos.)	Number of Exclusive POCSO Act Courts for which funds sought (Nos.)	UC Submission (Dates)	Remarks
	Amount (Rs.Lakhs)	Date of Request	Date of Release				
2.2	Details of average Expenditure incurred on the Operational Cost per FTSC including exclusive POCSO courts per year						
	Sl.No.	Heads of Expenditure		Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)		
	1						
	2						
	3						
	4						
		Total					
2.3	Whether the funds for Establishing & Operationalising FTSCs including exclusive POCSO courts were received on time? (1= Yes, 2= No)						
2.3.1	If No, please indicate the delay in getting the Central Assistance in months (1= 0-2 Months, 2= 3-5 Months, 3= 6-9 Months, 4= 10-12 Months, 5= More than one year)						
2.4	Whether the Fast Track Special Courts including exclusive POCSO courts were Established and Operationalised immediately after the Central notification (1= Yes, 2= No)						
2.4.1	If No, please indicate the delay in months in the establishment and operationalisation of FTSCs including exclusive POCSO courts after receipt of the Central notification (1= 0-2 Months, 2= 3-5 Months, 3= 6-9 Months, 4= 10-12 Months, 5= More than one year)						
2.4.2	Please also elaborate the reasons for delay in establishment and operationalisation of FTSCs including exclusive POCSO courts after receipt of the Central notification						

2.5	Whether High Court has made specific rules for carrying out the provisions of the Act for effective implementation of Cr. Law Amendment Act, 2018 after October 2019 ? (1= Yes, 2= No)						
2.5.1	If Yes, Please provide a copy of the rules framed						

3.0	Details on Functioning and Monitoring of FTSCs including exclusive POCSO courts:			
3.1	Please provide details of number of cases handled by FTSCs including exclusive POCSO Courts			
	Category of Courts	Years		Remarks
		2019-20	2020-21 (till 31st July 2020)	
	Target of cases given to the FTSCs including exclusive POCSO courts			
	Fast Track Special Courts (FTSCs) (Nos.)			
	Fast Track Special Courts Exclusively handling POCSO Act cases (Nos.)			
	Total Cases (Nos)			
	Number of cases Transferred to the FTSCs including exclusive POCSO courts			
	Fast Track Special Courts (FTSCs) (Nos.)			
	Fast Track Special Courts Exclusively handling POCSO Act cases (Nos.)			
	Total Cases (Nos)			
	Number of cases Taken up by the FTSCs including exclusive POCSO courts			
	Fast Track Special Courts (FTSCs) (Nos.)			
	Fast Track Special Courts Exclusively handling POCSO Act cases (Nos.)			
	Total Cases (Nos)			
	Number of cases Disposed by the FTSCs including exclusive POCSO courts			
	Fast Track Special Courts (FTSCs) (Nos.)			
	Fast Track Special Courts Exclusively handling POCSO Act cases (Nos.)			
	Total Cases (Nos)			
	3.2	Is there Quaterly monitoring undertaken on the operation and cases handled by Fast Track Special Courts including exclusive POCSO courts: (1= Yes, 2= No)		
3.2.1	If yes, please elaborate (please also provide the copy of latest available monitoring report)			

3.3	Whether High Court has formed Monitoring Committee for monitoring of the Establishing & Operationalising FTSCs including exclusive POCSO courts? (1=Yes, 2=No)			

3.3.1	<p>If yes, Please give details (Please specify/Enclose) the composition of the Monitoring Committee and minutes of the meetings)?</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>	
3.4	<p>Whether due procedures have been adopted for the selection and appointment of the 1 Presiding Officer and 7 staff members per year? (1= Yes, 2= No)</p>	
3.4.1	<p>If Yes, Please explain briefly the selection process</p> <hr/> <hr/>	
4.0 Impact of the Scheme and suggestions for Improvement		
4.1	<p>What is the impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism? (1= Positive, 2= Negative, 3= No change, 4= No comment)</p>	
4.2	<p>If Positive, Please specify whether the new registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSCs including exclusive POCSO courts .</p> <hr/> <hr/>	
4.3	<p>Please elaborate the major problems/Challenges faced in operationalising FTSCs including exclusive POCSO courts</p> <hr/> <hr/> <hr/>	
4.4	<p>What are the additional support measures urgently required from Central Government in the setting up and operationalising the FTSCs including exclusive POCSO courts in the state?</p> <hr/> <hr/> <hr/>	
4.5	<p>Please elaborate any modifications proposed in the scheme for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years and in reducing pendency & speedy disposal of cases in the State.</p> <hr/> <hr/> <hr/>	

4.6	<p>Please provide Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years and speedy disposal of cases in the State.</p> <hr/> <hr/> <hr/> <hr/>
<ul style="list-style-type: none"> • Please provide the list of the operationalized FTSCs including exclusive POCSO courts in the state. 	
<ul style="list-style-type: none"> • Please provide the List of functional FTSCs including exclusive POCSO courts in the state comprising of Location of Courts and Name of the respective Judges/ Presiding Officer and the contact information. 	
<ul style="list-style-type: none"> • Please provide last quarterly report submitted to Department of Justice, Ministry of Law & Justice for the establishing and operationalising the FTSCs including exclusive POCSO courts in the state. 	
<ul style="list-style-type: none"> • Please provide the copy of the latest quarterly Report on the establishing and operationalising the FTSCs including exclusive POCSO courts in the state 	
<ul style="list-style-type: none"> • Please provide a copy of specific rules made by State Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country 	

Name of the NPC Official/Investigator: _____

Signature: _____

Place of Survey: _____

Date: _____

Name and Signature of the Official
With Seal

Thank You

ANNEXURE 1.3

SURVEY QUESTIONNAIRE: FAST TRACK SPECIAL COURT (RAPE AND/OR POCSO COURTS) / EXCLUSIVE POCSO COURT

PRESIDING OFFICER

National Productivity Council (NPC) under Ministry of Commerce & Industry, Government of India, has been engaged to undertake “**Third Party Evaluation of the Scheme on Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act**” by Department of Justice, M/o Law and Justice, Government of India. The Hon’ble Supreme Court of India took up the issue of “*completion of timely investigations and consequential trials in the offences under POCSO Act*” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. **The present scheme of Department of Justice aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO courts across the country.** Third Party Evaluation of the Scheme undertaken by NPC comprises of the aspects of the operation of the scheme such as progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts, progress in terms of taking up and disposal of the cases, in transferring cases, progress with reference to targets set, constraints faced by the FTSCs including exclusive POCSO courts in delivering justice expeditiously post October 2019 and recommendations for maximising the impact of the scheme. The third party evaluation will also include assessment of improvements in Fast Track Justice Delivery, identify the major problems/challenges faced in operationalising FTSCs including exclusive POCSO courts, monitoring mechanism and suggest suitable modification(s), if any, for making the Scheme more effective in the coming years.

The information/data provided would be kept confidential and would be utilized exclusively for the study purposes only.

1.0	General Information
1.1	State (1=Uttar Pradesh,2=Haryana,3=Himachal Pradesh, 4=Jharkhand, 5= Madhya Pradesh, 6=Ahmedabad, 7=Telengana, 8=Tamil Nadu, 9=Assam, 10=Tripura))
1.2	High Court (1= Allahabad High Court, 2= Punjab and Haryana High Court, 3= Himachal Pradesh High Court, 4= Jharkhand High Court, 5= Madhya Pradesh High Court, 6= Ahmedabad High Court, 7= High Court of Telengana, 8= Madras High Court, 9= Gauhati High Court, 10= Tripura High Court)
1.3	Type of Court (1= FTSC (Rape and/or POCSO Court), 2= FTSC (Exclusive POCSO Court))
1.4	Details of the Court : _____ Address: _____ _____
1.5	Name of the Presiding Officer: _____ Designation: _____ Tel. No. _____ Mobile No. _____ E-mail: _____
1.6	Date of Operationalization of Court
1.7	Date from which the court started functioning
2.0	Details on Budget Released for Establishing & Operationalising FTSCs including exclusive POCSO courts:
2.1	Budget Released to Court by High Court for Establishing & Operationalising FTSC/Exclusive POCSO Court(in Rs.Lakhs)

2.2	Date of release of funds for Operationalising FTSC/Exclusive POCSO Court			
2.3	Details of average Expenditure incurred on the Operational Cost per FTSC per year			
	Sl.No.	Heads of Expenditure	Expenditure per year (Rs. Lakhs)	Remarks (Present Status and Problems, if any)
	1			
	2			
	3			
	4			
		Total		
2.4	Whether Sate Government/High Court has made specific rules for carrying out the provisions of the Act for effective implementation of Cr. Law Amendment Act, 2018 after October 2019 ? (1= Yes, 2= No)			
2.4.1	If Yes, Please provide a copy of the rules framed			
3.0	Details on Functioning and Monitoring of FTSCs / Exclusive POCSO courts:			
3.1	Please provide details of number of cases handled by FTSCs including exclusive POCSO Courts			
	Category of Courts	Years		Remarks
		2019-20	2020-21 (till 31st July 2020)	
	Cases at FTSC / Exclusive POCSO Court			
	Target of cases given to the FTSC/Exclusive POCSO court(Nos.)			
	Number of Cases Transferred to the FTSC/ Exclusive POCSO Court(Nos.)			
	Number of Cases Taken up by FTSC/ Exclusive POCSO Court(Nos.)			
	Number of Cases Disposed by FTSC/ Exclusive POCSO Court(Nos.)			
3.2	Is there Quaterly monitoring undertaken on the operation or cases handled by Fast Track Special Court/ Exclusive POCSO Court (1= Yes, 2= No)			
3.2.1	If yes, please elaborate (please also provide the copy of latest available monitoring report)			

3.3	Whether High Court has formed Monitoring Committee for monitoring of the Establishing & Operationalising FTSCs and /or exclusive POCSO Courts? (1=Yes, 2=No)	
3.3.1	If yes, Please give details (Please specify/Enclose) the composition of the Monitoring Committee and minutes of the meetings)? _____ _____ _____ _____ _____	
3.4	Whether adequate manpower has been provided for the Fast Track Special Court/ Exclusive POCSO Court i.e. 1 Presiding Officer and 7 staff members per year? (1= Yes, 2= No)	
3.4.1	If No, Please elaborate _____ _____	
3.5	Whether infrastructure available at Court for keeping Records, Photocopy, Computer, etc? (1=Yes, 2=No)	
3.5.1	If yes, please give your views on adequacy of the facilities to meet current requirement _____ _____	
4.0	Impact of the Scheme and suggestions for Improvement	
4.1	What is the impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism? (1= Positive, 2= Negative, 3= No change, 4= No comment)	
4.2	If Positive, Please specify whether the new registration of cases, pendency of cases in Sessions and District Courts declined after the establishment and operationalisation of FTSC/ Exclusive POCSO Court. _____ _____	
4.3	Please elaborate the major problems/Challenges faced in functioning of FTSC/ Exclusive POCSO court _____ _____ _____ _____	
4.4	What are the additional support measures urgently required in the operationalising and Functioning of FTSC/ Exclusive POCSO court ? _____ _____ _____ _____	

4.5	<p>Please elaborate any modifications proposed in the scheme for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years and in reducing pendency & speedy disposal of cases in the State.</p> <hr/> <hr/> <hr/> <hr/>
4.6	<p>Please provide Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years and in reducing pendency & speedy disposal of cases in the State.</p> <hr/> <hr/> <hr/> <hr/>
<ul style="list-style-type: none"> • Please provide the copy of the latest quarterly Report on the establishing, operationalising and functioning of the FTSC/ Exclusive POCSO court 	
<ul style="list-style-type: none"> • Please provide a copy of specific rules made by Sate Government/High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country 	

Name of the NPC Official/Investigator: _____
 Signature: _____
 Place of Survey: _____
 Date: _____

Name and Signature of the Presiding Officer
with Seal

Thank You

ANNEXURE 1.4

SURVEY QUESTIONNAIRE: FAST TRACK SPECIAL COURT (RAPE AND/OR POCSO COURTS) / EXCLUSIVE POCSO COURT

LAWYER/ADVOCATE

National Productivity Council (NPC) under Ministry of Commerce & Industry, Government of India, has been engaged to undertake “**Third Party Evaluation of the Scheme on Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act**” by Department of Justice, M/o Law and Justice, Government of India. The Hon’ble Supreme Court of India took up the issue of “*completion of timely investigations and consequential trials in the offences under POCSO Act*” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. **The present scheme of Department of Justice aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO courts across the country.** Third Party Evaluation of the Scheme undertaken by NPC comprises of the aspects of the operation of the scheme such as progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts, progress in terms of taking up and disposal of the cases, in transferring cases, progress with reference to targets set, constraints faced by the FTSCs including exclusive POCSO courts in delivering justice expeditiously post October 2019 and recommendations for maximising the impact of the scheme. The third party evaluation will also include assessment of improvements in Fast Track Justice Delivery, identify the major problems/challenges faced in operationalising FTSCs including exclusive POCSO courts, monitoring mechanism and suggest suitable modification(s), if any, for making the Scheme more effective in the coming years.

The information/data provided would be kept confidential and would be utilized exclusively for the study purposes only.

1.0	General Information	
1.1	State (1=Uttar Pradesh,2=Haryana, 3=Himachal Pradesh, 4=Jharkhand, 5= Madhya Pradesh, 6= Ahmedabad, 7= Telengana, 8=Tamil Nadu, 9= Assam, 10= Tripura)	
1.2	High Court (1= Allahabad High Court, 2= Punjab and Haryana High Court, 3= Himachal Pradesh High Court, 4= Jharkhand High Court, 5= Madhya Pradesh High Court, 6= Ahmedabad High Court, 7= High Court of Telengana, 8= Madras High Court, 9= Gauhati High Court, 10= Tripura High Court)	
1.3	Type of Court (1= FTSC (Rape and/or POCSO Court), 2= FTSC (Exclusive POCSO Court))	
1.4	Details of the Court : _____	
1.5	Name of the Lawyer/ Advocate: _____ Address: _____ Tel. No. _____ Mobile No. _____ E-mail: _____	
1.6	If Known, Please provide the Date/ month from which the court started functioning	
2.0	Details on Functioning and Monitoring of FTSCs including exclusive POCSO courts:	
2.1	Whether State Government/High Court has made specific rules for carrying out the provisions of the Act for effective implementation of Cr. Law Amendment Act, 2018 after October 2019 ? (1= Yes, 2= No)	
2.2	What are the major categories of cases being handled by the Court? (1=Rape, 2=POSCO, 3=NA (if exclusive POCSO court))	

2.3	Please give average days taken from the start of the filing of case to the judgment delivery? (in days)	
2.4	According to you, please provide the number of cases handled by the court in a month	
2.5	Are you satisfied with the functioning of FTSCs/ exclusive POCSO courts? (1=Yes, 2=No)	
2.5.1	If yes, whether the operation of FTSCs/ exclusive POCSO courts improved your access to justice and Fast Track Justice Delivery in your case. Please give your views? _____ _____	
2.6	According to you, whether adequate manpower has been provided for the court? (1= Yes, 2= No)	
2.6.1	If No, Please elaborate _____ _____	
2.7	Whether infrastructure is available at Court for keeping Records, Photocopy, Computer, etc? (1=Yes, 2=No)	
2.7.1	If yes, please give your views on adequacy of the facilities and infrastructure to meet the requirement? _____ _____	
3.0	Feedback of stakeholders from Impact of the Scheme and suggestions for Improvement	
3.1	Give your views on the impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism? _____ _____ _____ _____	
3.2	What are the additional support measures urgently required in the Functioning of FTSC/ Exclusive POCSO court ? _____ _____	
3.3	Please give your suggestions for improving the Scheme of setting up and operationalisation of the FTSCs including exclusive POCSO courts. _____ _____ _____	

3.4	<p>Please elaborate any modifications proposed in the scheme for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years and in reducing pendency & speedy disposal of cases in the State.</p> <hr/> <hr/> <hr/> <hr/>
3.5	<p>Please provide Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years.</p> <hr/> <hr/> <hr/> <hr/>
<ul style="list-style-type: none"> • Please provide a copy of specific rules made by High Court for carrying out the provisions of the effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) across the country 	

Name of the NPC Official/Investigator: _____

Signature: _____

Place of Survey: _____

Date: _____

Name and Signature of the Lawyer/ Advocate
with Seal

Thank You

ANNEXURE 1.5

SURVEY QUESTIONNAIRE: FAST TRACK SPECIAL COURT (RAPE AND/OR POCSO COURTS) / EXCLUSIVE POCSO COURT

LITIGANTS/ WITNESS

National Productivity Council (NPC) under Ministry of Commerce & Industry, Government of India, has been engaged to undertake “**Third Party Evaluation of the Scheme on Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act**” by Department of Justice, M/o Law and Justice, Government of India. The Hon’ble Supreme Court of India took up the issue of “*completion of timely investigations and consequential trials in the offences under POCSO Act*” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. **The present scheme of Department of Justice aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO courts across the country.** Third Party Evaluation of the Scheme undertaken by NPC comprises of the aspects of the operation of the scheme such as progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts, progress in terms of taking up and disposal of the cases, in transferring cases, progress with reference to targets set, constraints faced by the FTSCs including exclusive POCSO courts in delivering justice expeditiously post October 2019 and recommendations for maximising the impact of the scheme. The third party evaluation will also include assessment of improvements in Fast Track Justice Delivery, identify the major problems/challenges faced in operationalising FTSCs including exclusive POCSO courts, monitoring mechanism and suggest suitable modification(s), if any, for making the Scheme more effective in the coming years.

The information/data provided would be kept confidential and would be utilized exclusively for the study purposes only.

1.0	General Information
1.1	State (1=Uttar Pradesh,2=Haryana,3=Himachal Pradesh, 4=Jharkhand, 5= Madhya Pradesh, 6=Ahmedabad, 7=Telengana, 8=Tamil Nadu, 9=Assam, 10=Tripura)
1.2	High Court (1= Allahabad High Court, 2= Punjab and Haryana High Court, 3= Himachal Pradesh High Court, 4= Jharkhand High Court, 5= Madhya Pradesh High Court, 6= Ahmedabad High Court, 7= High Court of Telengana, 8= Madras High Court, 9= Gauhati High Court, 10= Tripura High Court)
1.3	Type of Court (1= FTSC (Rape and/or POCSO Court), 2= FTSC (Exclusive POCSO Court))
1.4	Category of Stakeholder (1=Litigants, 2=Police, 3=Witnesses, 4=Others, please specify)
1.5	Details of the Court : _____
1.6	Name of the Litigant/ Witness(optional): _____ Address: _____ _____ Tel. No. _____ Mobile No. _____ E-mail: _____
1.7	If Known, Please provide the Date/ month from which the FTSCs/ exclusive POCSO court started functioning
2.0	Details on Functioning and Monitoring of FTSCs/ exclusive POCSO courts:
2.1	Are you satisfied with the functioning of FTSCs/ exclusive POCSO courts? (1=Yes, 2=No)

2.1.1	<p>If yes, whether the operation of FTSCs/ exclusive POCSO courts improved your access to justice and Fast Track Justice Delivery in your case. Please give your views?</p> <p>_____</p> <p>_____</p>
2.2	<p>According to you, whether adequate manpower has been provided for the court? (1= Yes, 2= No)</p>
2.2.1	<p>If No, Please elaborate</p> <p>_____</p> <p>_____</p>
2.3	<p>Whether infrastructure is available at Court for keeping Records, Photocopy, Computer, etc? (1=Yes, 2=No)</p>
2.3.1	<p>If yes, please give your views on adequacy of the facilities and infrastructure to meet the requirement?</p> <p>_____</p> <p>_____</p>
3.0	<p>Feedback of stakeholders from Impact of the Scheme and suggestions for Improvement</p>
3.1	<p>Give your views on the impact of setting up and operationalisation of the FTSCs including exclusive POCSO courts on Fast Track Justice Delivery mechanism?</p> <p>_____</p> <p>_____</p>
3.2	<p>What are the additional support measures urgently required in the Functioning of FTSC/ Exclusive POCSO court ?</p> <p>_____</p> <p>_____</p>
3.3	<p>Please give your suggestions for improving the Scheme of setting up and operationalisation of the FTSCs including exclusive POCSO courts.</p> <p>_____</p> <p>_____</p>
3.4	<p>Please provide Suggestions for the making the scheme more effective so as to meet the stated objective of ensuring targeted Fast Track justice for disposal of pending rape & POCSO Act cases., if any, for its effective implementation in the coming years.</p> <p>_____</p> <p>_____</p> <p>_____</p>

Name of the NPC Official/Investigator: _____

Signature: _____

Place of Survey: _____ Date: _____

Name and Signature of the Respondent(optional)

Thank You

ANNEXURE 1.6

SURVEY CHECKLIST ADDENDUM
REGISTRAR GENERAL (HIGH COURT)

National Productivity Council (NPC) under Ministry of Commerce & Industry, Government of India, has been engaged to undertake “**Third Party Evaluation of the Scheme on Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act**” by Department of Justice, M/o Law and Justice, Government of India. The Hon’ble Supreme Court of India took up the issue of “*completion of timely investigations and consequential trials in the offences under POCSO Act*” in suo moto Writ Petition (Criminal) No. 1/2019 and issued several directions in this regard on 25/7/2019. **The present scheme of Department of Justice aims at effective implementation of Cr. Law Amendment Act, 2018 by ensuring targeted disposal of pending rape & POCSO Act cases by setting up Fast Track Special Courts (FTSCs) including Exclusive POCSO courts across the country.** Third Party Evaluation of the Scheme undertaken by NPC comprises of the aspects of the operation of the scheme such as progress in setting up and operationalisation of the FTSCs including exclusive POCSO courts, progress in terms of taking up and disposal of the cases, in transferring cases, progress with reference to targets set, constraints faced by the FTSCs including exclusive POCSO courts in delivering justice expeditiously post October 2019 and Overall assessment of recommendations for maximising the impact of the scheme. The third party evaluation will also include assessment of improvements in Fast Track Justice Delivery, identify the major problems/challenges faced in operationalising FTSCs including exclusive POCSO courts, monitoring mechanism and suggest suitable modification(s), if any, for making the Scheme more effective in the coming years.

The information/data provided would be kept confidential and would be utilized exclusively for the study purposes only.

1.0	General Information									
1.1	State _____									
1.2	High Court _____									
1.3	Name of the Respondent: _____ Designation: _____ Tel. No. _____ Mobile No. _____ E-mail: _____									
1.4	Please provide the details for the years 2019-20 and 2020-21 for the following:									
	Year	Total Number of Cases transferred/ registered			Total Number of cases Disposed			Total Number of Cases where conviction took place		
		Regular Courts Cases* (Nos.)	FTSCs Cases (Nos.)	Exclusively POCSO Act cases (Nos.)	Regular Courts Cases* (Nos.)	FTSCs Cases (Nos.)	Exclusively POCSO Act cases (Nos.)	Regular Courts Cases* (Nos.)	FTSCs Cases (Nos.)	Exclusively POCSO Act cases (Nos.)
	2019-20									
	2020-21 (till 31.07.2020)									
	Total									

*Regular Court Cases "means only those Cases which are triable by court of Session

Name and Signature of the Official
with Seal

Thank You

ANNEXURE 2.1

SCHEME GUIDELINES:

STATE & UT WISE DATA OF PENDING CASES OF RAPE AND POCSO ACT
(Combined)

As on 31.3.2018

Sl.No.	Name of State/UT	Cases pending under Rape and POCSO Act	FTSCs Proposed
1.	Andhra Pradesh,	2811	18
2.	Telangana	5598	36
3.	A/N Islands	147	1
4.	Arunachal Pradesh	351	3
5.	Assam	4423	27
6.	Bihar	8878	54
7.	Chandigarh	98	1
8.	Chhattisgarh	2360	15
9.	Goa	235	2
10.	Gujarat	5677	35
11.	Haryana	2529	16
12.	Himachal Pradesh	889	6
13.	Jammu & Kashmir	825	4
14.	Jharkhand	3533	22
15.	Karnataka	5121	31
16.	Kerala	9370	56
17.	Madhya Pradesh	11051	67
18.	Maharashtra	22775	138
19.	Manipur	242	2
20.	Meghalaya	645	5
21.	Mizoram	377	3
22.	Nagaland	75	1
23.	NCT of Delhi	2523	16
24.	Odisha	7292	45
25.	Punjab	1902	12
26.	Rajasthan	7431	45
27.	Tamil Nadu	2049	14
28.	Tripura	410	3
29.	Uttarakhand	613	4
30.	Uttar Pradesh	36008	218
31.	West Bengal	20221	123
	Total	166882	1023

ANNEXURE 2.2

SCHEME GUIDELINES:

DATA ON PENDING CASES OF POCSO ACT

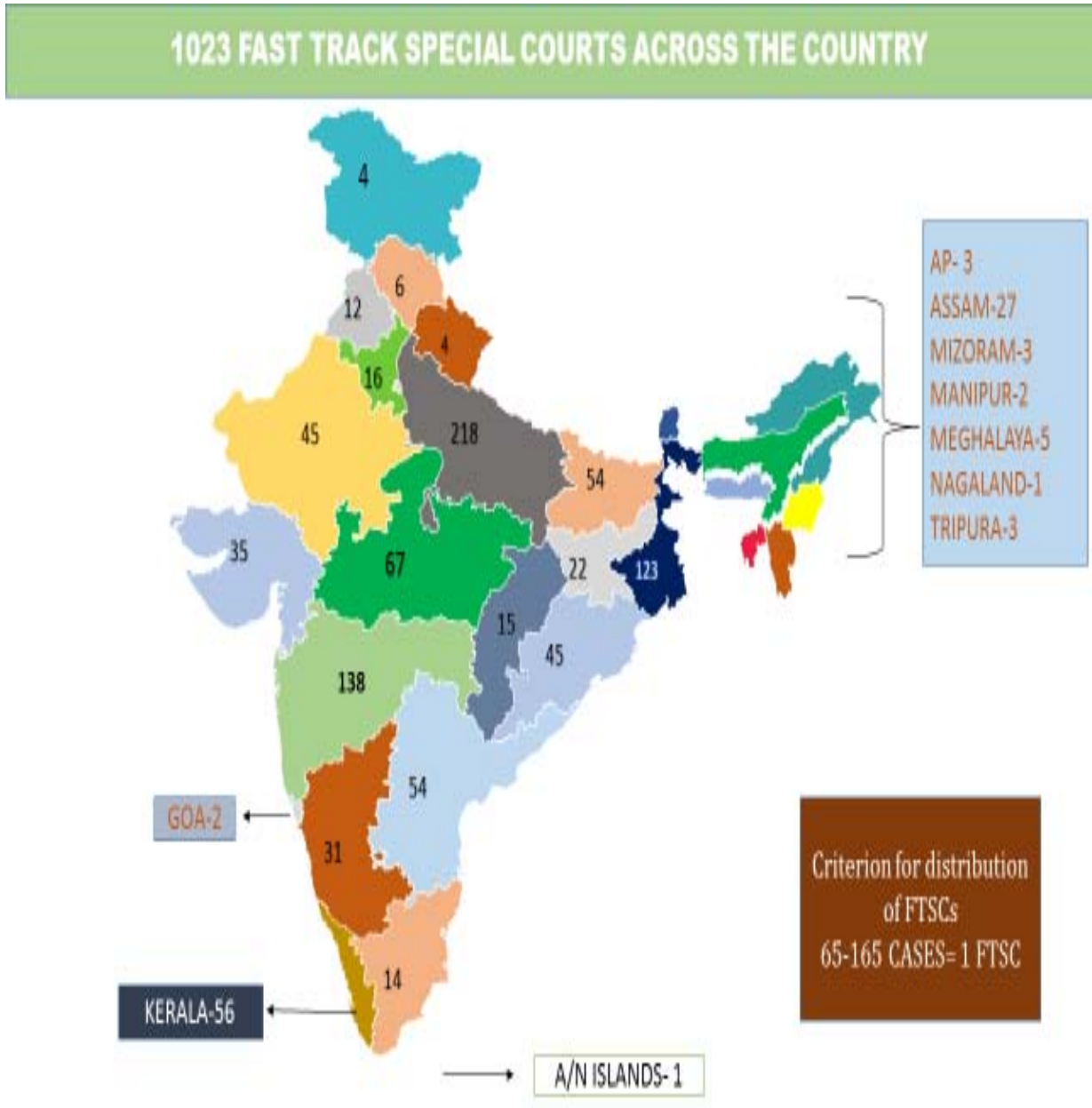
As on 31.6.2019

SNo.	Name of State/UT	No. of cases pending trial under POCSO Act as on 30.06.2019
1.	Andhra Pradesh,	2729
2.	Telangana	4922
3.	Arunachal Pradesh	164
4.	Assam	3201
5.	Bihar	8169
6.	Chandigarh	59
7.	Chhattisgarh	2611
8.	Goa	28
9.	Gujarat	6335
10.	Haryana	2256
11.	Himachal Pradesh	733
12.	Jammu & Kashmir	83
13.	Jharkhand	1987
14.	Karnataka	5042
15.	Kerala	6649
16.	Madhya Pradesh	10141
17.	Maharashtra	19968
18.	Manipur	181
19.	Meghalaya	792
20.	Mizoram	336
21.	Nagaland	41
22.	NCT of Delhi	7277
23.	Odisha	8731
24.	Punjab	1112
25.	Rajasthan	6317
26.	Tamil Nadu	3827
27.	Tripura	407
28.	Uttarakhand	1089
29.	Uttar Pradesh	42379
30.	West Bengal	12748
31.	Puducherry	97
32.	Andaman & Nicobar	278
33.	Sikkim	139
	Total	160989

ANNEXURE 2.3

SCHEME GUIDELINES:

FAST TRACK SPECIAL COURTS ACROSS THE COUNTRY



ANNEXURE 2.4

SCHEME GUIDELINES:

DISTRIBUTION OF FTSCs EXCLUSIVELY FOR POCSO ACT CASES AND FTSCs FOR BOTH RAPE AND POCSO ACT CASES

Status as on 19/08/2019 (at 1900Hrs)

S No.	States/UTs	Total No. of FTSCs in the State/UT as per the Scheme	Exclusive Court for cases of POCSO Act	FTSCs for cases of rape/and or POCSO Act
1.	Andhra Pradesh	18	08	10
2.	Bihar	54	30	24
3.	Chhattisgarh	15	11	04
4.	West Bengal	123	20	103
5.	Andaman & Nicobar Islands	01	01	00
5.	Delhi	16	11	5
6.	Gujarat	35	24	11
7.	Assam	27	15	12
8.	Arunachal Pradesh	03	00	03
9.	Mizoram	03	01	02
10.	Nagaland	01	00	01
11.	Maharashtra	138	30	108
12.	Goa	02	00	02
13.	Himachal Pradesh	06	03	03
14.	J&K	04	00	04
15.	Jharkhand	22	08	14
16.	Karnataka	31	17	14
17.	Kerala	56	14	42
18.	Madhya Pradesh	67	26	41
19.	Manipur	02	00	02
20.	Meghalaya	05	05	00
21.	Odisha	45	22	23
22.	Punjab	12	02	10
23.	Haryana	16	12	04
24.	Chandigarh	01	00	01
25.	Rajasthan	45	26	19
26.	Tamil Nadu	14	14	00
27.	Tripura	03	01	02
28.	Telangana	36	10	26
29.	Uttar Pradesh	218	74	144
30.	Uttarakhand	04	04	00
Total		1023	389	634

ANNEXURE 2.5

SCHEME GUIDELINES:

OUTPUT OUTCOME MONITORING FRAMEWORK (QUARTER WISE MONITORING) FOR ONE YEAR (SPREAD OVER TWO FINANCIAL YEARS 2019-20 AND 2020-21)

Financial Outlay	Outcome	Output	Indicator	Target (Quarter wise)				Baseline
				Q1	Q2	Q3	Q4	
Total financial outlay is 767.25 Cr. Out of which central share is 474 Cr. (as per 60:40 ratio of CSS)	165 pending cases of rape and POCSO disposed off by each FTSC set up under the scheme in a year to wipe out pendency and create deterrence.	1023 FTSCs created for disposal of 166882 pending cases of rape and POCSO	-No. of courts set up in each State& UT. -No. of pending cases of rape and POCSO Act State& UT wise and rate of disposal of pending cases.	Disposal of 41 cases per court	Disposal of 41 cases per court	Disposal of 41 cases per court	Disposal of 42 cases per court	0

ANNEXURE 2.6

SCHEME GUIDELINES:

BUDGET BREAK UP

For each FTSC, INR 75 Lakhs is provided for one year. The indicative breakup is as follows: Budget Break up of INR 75 Lakhs is as follows:

Components	Budget (in Rs. Lakhs)
Salary/Remuneration of 1 Presiding Officer and 7 staff members per year	63.00
Rental per court, per year	3.90
Flexi Grant (Operational Cost (per court, per year)	8.10
Total	75.00

- i. The above budget break-up is indicative. States & UTs should keep the expenditure within INR 75 Lakhs per court. Any excess expenditure should be met from the State/UT funds.
- ii. Flexi Grant can be utilized for meeting daily operational expenses and making the courts child and women friendly.

ANNEXURE 2.7

SCHEME GUIDELINES:

DRAFT LETTER TO DEPARTMENT OF JUSTICE FOR CONVEYING APPROVAL AND ADDITIONAL INFORMATION ON THE SCHEME

Dated:

From: Shri.....
Law Secretary

To:

Shri Muralidhar Pandey
 Director (Justice II),
 Department of Justice
 Room No. 12-D, Jaiselmer House,
 26, Man Singh Road, New Delhi-110011

Sub: Setting up of Fast Track Special Courts for Expeditious Disposal of Rape and POCSO Act Cases.

Reference: D.O. No.15011/14/2018-Jus-II dated 5.9.2019

Sir,

Please refer to the above mentioned letter for setting up of no. of Fast Track Special Courts (FTSCs) in the State/UT of We hereby convey willingness of State/UT for participation in the Scheme and start no of FTSCs. You are requested to release the funds for the same as assured in your letter. Requisite details for releasing the funds are as under.

Budget Head.....

A/c No.....

Bank/ Branch.....

Yours Sincerely

.....

ANNEXURE 2.8

SCHEME GUIDELINES:

INFORMATION SHEET

*Preparatory Phase**(...Name of the State/UT....)*

S No.	Information Sought	Particulars
1.	Identify a Nodal Person to communicate with DoJ on the Scheme and furnish quarterly progress reports with the approval of High Court.	Name: Designation Tel No. Mobile No: Email:
2.	Identify and segregate pending Rape and POCSO Act Cases to be transferred to the new FTSCs under the Scheme.	Completed: YES/NO: On-going: YES/NO: Expected date of Completion:
3.	Step A. Ascertaining FTSCs as Fast Track Courts Step B. Assigning/Linking JO Code of the Presiding Officer to the FTSCs and linking them to NJDG data base	<u>Step A:</u> Completed: YES/NO: On-going: YES/NO: Expected date of Completion: <u>Step-B</u> List of J.O. Codes 1. 2.

ANNEXURE 2.9

SCHEME GUIDELINES:

PRESENT RESOURCE PERSONS INFORMATION

Department of Justice

S No.	Name	Designation	Contact Details
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