



Impact of Fast Track Special Courts in Expediting Trials of Sexual Offences Against Children in Rajasthan

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Abstract:

The Protection of Children from Sexual Offences (POCSO) Act, 2012, was enforced to protect minors from sexual abuse, harassment, and exploitation through pornography. However, despite the Act's enforcement, the incidence of crimes against children in India remains disturbingly high, with Rajasthan having the highest number of rape cases involving victims under 18. This research seeks to assess the role of Fast Track Special Courts (FTSCs) in speeding up the trials of sexual offences against children and to analyze the disposal rates of Special Courts and Police in Rajasthan. A systematic review and meta-analysis of existing research on the functioning of FTSCs was conducted, along with an analysis of secondary data sources. The findings reveal that FTSCs have significantly improved case disposal rates, achieving 83% in 2022 and 94% in 2023 at the national level. In Rajasthan, FTSCs had a case resolution rate of 68% as of December 2023, with an average pendency of 136 cases per court. The average duration for case completion in Rajasthan was approximately 1 year and 11 months. Police disposal data for Rajasthan in 2022 shows a chargesheet rate of 55%, with 1,147 cases pending investigation at the end of the year. The study highlights the challenges faced by the justice system in handling POCSO cases, including delays in investigation, high pendency rates, and instances of false cases filed for compensation or revenge. The findings emphasize the need for continued efforts to improve the efficiency and effectiveness of FTSCs and law enforcement agencies in delivering justice to child victims of sexual offences.

Keywords: - POCSO Act, Sexual offences, children, Special Courts, Case disposal, Investigation delays, Pendency.

INTRODUCTION

There are millions of children across the globe that interacts with justice systems either as a prey or as a spectator to a crime. These individuals might be minors who have violated the law, or they could be children requiring care and protection to ensure their fundamental rights are upheld. The issue before us is whether the present legal framework is sufficient to address their needs. "Sexual abuse is one of the most unsettling of children's rights violations. Sexual abuse against children is an umbrella term which incorporates sexual exploitation as well as sexual abuse of children. Both expressions are related to physical and mental violence and exist with regard to acts of omission and commission."¹ Around fifteen million young girls aged between 15 -19 years have experienced involuntary sex in their lifetime.² Amendment in the POCSO Act, enhanced media attention, awareness drives, and training of the concerned persons proves that the children's right to live with self-respect and to develop their full potential is getting attention.

"The spurt in incidents of crime against children across India has raised serious concern with 53,874 cases registered in 2021 alone under the POCSO (Protection of Children from Sexual Offences) Act, according to the crime report released by the National Crime Records Bureau (NCRB)."³ In 2021, Rajasthan reported the highest number of rape cases, including those under the Protection of Children from Sexual Offences (POCSO) Act, which pertains to victims below the age of 18, among all states and Union Territories in the country. Increasing number of crimes against children shows the State's as well as society's failure to provide the children a safe and peaceful environment owing to all round growth and development.

¹Interagency Working Group on Sexual Exploitation of Children.(2016), *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, ECPAT International and ECPAT Luxembourg, Rachathewi, Bangkok. p.16. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---ippec/documents/instructionalmaterial/wcms_490167.pdf

²United Nations Children's Fund .(2017). *A Familiar Face: Violence in the lives of children and adolescents*. UNICEF, New York.<https://data.unicef.org/resources/a-familiar-face/>

³ National Crime Records Bureau, 'Crime in India 2021: Statistics,' Vol. 1, Pg. 317 (Ministry of Home Affairs, 2020) <https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%201.pdf> assessed 30 March 2023

The POCSO Act of 2012 was enforced to protect children from sexual abuse, harassment, and exploitation through pornography, as well as to hold accountable those engaging in sexual conduct with minors (POCSO Act, 2012). This law provides clear definitions for terms such as (aggravated) penetrative sexual assault, (aggravated) sexual assault, sexual harassment, and child pornography, and it specifies the minimum and maximum punishments for each offense (POCSO Act, 2012). The law mandates the establishment of a Special Court to address offences related to the Act. It is important to highlight the conditions under which special courts have authority over cases involving sexual offences against children. The Act clearly outlines the rules for determining age, recognizing offences, and the specific procedures for trials in these situations. The jurisdiction of the Special Court, as mentioned earlier, is established under section 28 of the Act when the victim is a child, whether a boy or a girl, and the sexual offense is clearly defined under sections 3 to 22. It is indisputable that the backlog of cases in the POCSO Special Courts is a matter that requires attention. Some contend that the backlog is a result of cases being unnecessarily criminalized due to the stringent language and enforcement of the POCSO Act. This not only leads to an increase in the number of cases but also complicates matters for those impacted by its implementation. This study aims to examine how effectively and efficiently Fast Track Special Courts deliver swift justice to young victims.

LITERATURE REVIEW

Apoorva, Ranjan, Aditya et.al (2022) in their study '**A Decade of POCSO**' examined information from 486 districts in 28 states and union territories, encompassing more than 230,000 cases. The study finds significant variations in POCSO case reporting and disposal rates across states and districts. On average, it takes 509.78 days to finally decide a POCSO case, with acquittals (43.44%) significantly outnumbering convictions (14.03%). The evidence stage consumes over 40% of trial time. The report highlights challenges such as delays in investigation and chargesheet filing, lack of special courts and prosecutors, and non-compliance with prescribed timelines. The number of days taken in disposing of a case varies from state to state. For example in Himachal Pradesh 877.96 days are taken while that of in Chandigarh 215.42 days are taken in disposing of a case. Similarly, there is variation in total number of hearings in a case state wise like in Gujarat average number of hearings taken per case is 31.41 while that of in Kerala it is 11.12. Uttar Pradesh is a leading state in case of highest pendency. More than 77.77% of the total cases filed under POCSO Act registered during November, 2012 to February, 2021 are pending. While in case of disposals, Tamil Nadu has highest disposal percentage among all states and union territories.

Anand, Apoorva, Kumar, Abhinav & Deepthi Chand (2021) in the research study '**#Data4Justice - Unpacking Judicial Data to Track Implementation of the POCSO Act in Assam, Delhi & Haryana**' examined 19,783 matters and discovered that the highest number of cases pertained to the POCSO Act, 2012, are registered in Delhi each year followed by Haryana and Assam. Findings from data available on both e-Courts portal and the NCRB show that with regard to caseload in the courts in all the three States and UT, each year, there has been an upsurge in total number of new cases as well as pending cases. The study discloses that disposal in case of grave nature offences is within two years, but in few cases the disposal falls beyond two years and occasionally even beyond five to six years, leading to mockery of justice.

Giliyal, Anuroopa & Shivanand, Anjali et. al (2017) in the research study '**Study on the Working of Special Courts under the POCSO Act, 2012 in Karnataka**' analyzes the enforcement of the Protection of Children from Sexual Offences (POCSO) Act in three districts of Karnataka, India. The research focuses on analyzing the structural and procedural compliance of Special Courts with the Act, as well as evaluating judgments to identify trends and issues in POCSO cases. The comprehensive investigation reveals significant gaps in creating child-friendly environments and procedures in Special Courts, highlighting the need for substantial improvements in the justice system's approach to handling cases involving child victims of sexual offences. A particularly alarming finding of the study is the low conviction rate of 4.5% across 110 analyzed cases. The study also points out significant time gaps between incident reporting and case disposal, often exceeding one year. Such delays can have detrimental effects on the victims' recovery process and the quality of evidence presented in court.

Patkar, Pravin & Kandula, Pooja (2016) in the research study '**4 Years Since POCSO: Unfolding of the POCSO Act In the State of Maharashtra**' at the ground level. The research study understands the nature and gaps of the Act by examining its provisions. The researchers selected seventeen districts of the State and examined the challenges and realities faced by the Public Prosecutors, NGOs, law enforcement agencies, Child Welfare Committees, medical facilities, District Child Protection Units, and Juvenile Justice Boards because they work with child victims of sexual offences. In 56% of police stations located in rural regions, there were no female Police Sub Inspectors. Additionally, only one female PSI was present in 15 to 25 of these rural police stations. **Around 53% of the special courts designated for POCSO cases did not have special public prosecutors.** They found that investigating officers influenced medical examination in certain cases by asking for definite findings. DNA testing and Forensic laboratories are located only in metro cities like Mumbai, which results into delay in receiving medical examination reports of child victims and hence unwanted delay filing of the charge sheet. The research aimed to understand the current state of child responsiveness in practice. The study also aims to understand what stakeholders expect from others while working on the ground under the POCSO Act.

RESEARCH PROBLEM

In a study conducted by Apoorva, Ranjan, Aditya et al. (2022), it was found that the average time taken to conclude a POCSO case was 509.78 days, which is at odds with Section 35 of the POCSO Act that seeks to have cases resolved within a year whenever feasible. Nevertheless, in numerous cases, judicial officers from sessions courts are assigned additional responsibilities for FTSCs. The Centre for Research & Planning of the Supreme Court of India released the 2023 State of Judiciary Report, revealing that 83.1% of district courts across India lack a Vulnerable Witness Deposition Centre. This facility is crucial for witnesses such as those under 18 years of age and individuals with mental health issues or disabilities, survivors of sexual assault, those in witness protection, or any other witnesses the court considers vulnerable. This study aims to thoroughly investigate the impact of Fast Track Special Courts, following the enactment of the Special Act 12 years prior.

RESEARCH OBJECTIVE

1. To examine how Fast Track Special Courts influence the acceleration of trials for sexual offences against children in Rajasthan.
2. To study the disposal rates of the Special Courts as well as Police in cases related to sexual offences against children in Rajasthan.

RESEARCH QUESTIONS

1. What is the rate at which Special Courts resolve cases involving sexual offences against children in Rajasthan?
2. How efficiently do the Police handle cases concerning sexual offences against children in Rajasthan?

RESEARCH METHODOLOGY

The researcher has conducted a systematic review and meta-analysis of existing research on the functioning of FTSCs. This methodology facilitates the synthesis of current knowledge and the identification of gaps within the literature. Additionally, the researcher in this study has consulted a variety of publications, books, journals, and online resources. The books, journals, and articles published by various governmental and non-governmental organizations serve as secondary sources of information for conducting a comprehensive analysis.

Status of Fast Track Special Courts at National level

According to the Scheme on Fast Track Special Courts (FTSCs) for the speedy resolution of Rape Cases and those under the Protection of Children from Sexual Offences (POCSO) Act, a dedicated special court will be established in each district where there are over 100 POCSO Act cases. This court will exclusively handle cases under the POCSO Act.⁴ In their 2024 research, **Ribhu, Priyanka Praharaj, Purujit, Nath, Rebekah Sana, and Srivastava**, Anjali explored how Fast Track Special Courts (FTSCs) have influenced the reduction of case backlogs, especially considering the yearly increase in sexual violence incidents against women and children and the delays in trial processes. The FTSCs showed significantly improved efficiency, achieving an 83 percent case disposal rate in 2022 and a 94 percent rate in 2023.⁵

In 2022, the resolution rate for rape and POCSO cases in courts across the country was alarmingly low, with only 10 percent of cases being finalized. In stark contrast, the FTSCs showed significantly higher efficiency, resolving 83 percent of cases that year, and further improving to 94 percent in 2023. The backlog of unresolved rape and POCSO cases in courts nationwide has steadily grown over the past three years, increasing from 2,81,049 in 2020 to an overwhelming 4,17,673 by the end of 2022. In Rajasthan, there are 45 designated and operational Fast Track Speedy Courts. As of December 2023, these courts had a case resolution rate of 68%. On average, each active FTSC in Rajasthan had 136 cases pending by December 2023. The researcher examined 25 judgments, revealing that the average duration for case completion was approximately 1 year and 11 months, or nearly 2 years.

A report by PIB⁶, India underscores the importance and impact of Fast Track Special Courts (FTSCs) in its judicial system. These courts are designed to expedite the handling of cases involving rape and offences under the POCSO Act. FTSCs have successfully addressed the backlog of cases, achieving a disposal rate of 96.28%. In 2024, 88,902 new cases were filed, and 85,595 cases were resolved, demonstrating the courts' efficiency. The government has extended the FTSC initiative until 2026, with a significant allocation of ₹1952.23 crore from the Nirbhaya Fund. The report highlights the critical need for FTSCs, emphasizing the large backlog of rape and POCSO Act cases across the nation despite current legal frameworks. The Supreme Court of India has also mandated the expedited handling of these cases. Initiated on October 2, 2019, the FTSC initiative seeks to establish dedicated courts nationwide to implement these mandates and the Criminal Law (Amendment) Act, 2018. Recent statistics reveal that FTSCs have collectively resolved over 3,06,604 cases, underscoring the government's commitment to justice, the safety of women, and reducing the trauma experienced by survivors of sexual offences.

Status of Fast Track Special Courts in Rajasthan

The National Crime Records Bureau (NCRB) publishes an annual report called "Crime in India," which offers detailed statistics on various types of crimes reported throughout the nation. This report serves as a crucial resource for policymakers, law enforcement agencies, researchers, and the general public to understand crime trends and patterns in India.

According to the NCRB Report 2022, Rajasthan recorded 2,036 cases under the POCSO Act in 2022. A significant portion of these cases, totalling 1,358, were filed under Sections 8 and 10 of the POCSO Act, or in conjunction with Section 354 of the Indian Penal Code (IPC), which address sexual assault

⁴ FTSC Scheme Guidelines 2023 available at: <https://doj.gov.in/fast-track-special-court-ftscs/> (Last downloaded December 12, 2024)

⁵ Ribhu, Priyanka; Praharaj, Purujit et. Al (2024), 'Fast Tracking Justice: Role of Fast Track Special Courts in Reducing Case Backlogs, Published by India Child Protection

⁶ Research Unit, Press Information Unit, Government of India, **Swift Justice, Safer Society: The Impact of Fast Track Special Courts**, available at: <https://static.pib.gov.in/WriteReadData/specifiedocs/documents/2025/mar/doc2025320523701.pdf>

(Last downloaded February 10, 2025)

and aggravated sexual assault. Additionally, 47 cases were documented under Section 12 of the POCSO Act, or alongside Section 509 IPC, pertaining to the sexual harassment of minors. The state also reported 170 cases under Sections 14 and 15 of the POCSO Act, which involve the exploitation of children for pornographic activities. Furthermore, 41 cases were registered under the POCSO Act in combination with Section 377 IPC, which relates to unnatural offences. Notably, Rajasthan had a substantial number of cases, 421 in total, under Sections 17 to 22 of the POCSO Act, which cover the abetment and attempts to commit offences under the Act, a figure considerably higher than in most other states.⁷

Court Disposal regarding crime against children in Rajasthan in 2022

The NCRB Report 2022 offers a detailed summary of how courts in Rajasthan handled cases involving crimes against children. In 2022, there were 24,330 cases up for trial in the state, comprising 19,212 cases carried over from the previous year and 5,118 new cases. The courts resolved 34 cases without trial through methods like abatement, withdrawal, and plea bargaining, while one case was put on hold. Convictions were achieved in 723 cases, with 664 stemming from the prior year and 59 from the current year. Additionally, 251 cases were discharged, and 484 resulted in acquittals. By the end of the year, 22,838 cases remained pending. The state achieved a conviction rate of 49.6% for completed trials, but the high pendency percentage of 93.9% indicates a significant backlog of cases awaiting resolution. This data reflects the judicial system's efforts in handling crimes against children and highlights the challenges in case resolution efficiency.

Police Disposal of Crime against Children for Rajasthan in 2022

In 2022, Rajasthan recorded a notable number of cases concerning crimes against children, as per the data on Police Disposal. The state had 1,079 cases still under investigation from the previous year, and 9,370 new cases emerged during the year, resulting in a total of 10,449 cases needing investigation. Regarding the resolution of these cases, the police in Rajasthan managed to close a considerable number. They submitted charge sheets for 5,118 cases, which included 485 from the prior year and 4,633 from the current year. The state recorded 4,183 final reports, which included 1,600 cases declared as false, 2,451 cases ended due to mistake of fact or law or civil dispute, and 125 cases closed as true but with insufficient evidence or untraced.⁸

In Rajasthan, the rate at which charges were filed was 55.0%, reflecting the proportion of cases where charges were brought out of the total number of cases resolved by the police. By the year's end, there were still 1,147 cases awaiting investigation, resulting in a relatively low pendency percentage of 11.0%. This suggests that Rajasthan's police force managed to process a significant portion of the cases during the year, leaving a comparatively small backlog for the next year.

Rajasthan had a significant number of cases to investigate, with over half resulting in charge sheets. The relatively low pendency percentage suggests efficient case processing. However, the charge-sheeting rate of 55% indicates that a considerable portion of cases did not proceed to formal charges, with many being classified as false or mistakes of fact or law.

The only drawback with this report is that it does not mention exclusively about the cases falling under POCSO Act only rather it contains the data pertaining to all crimes against children in the state of Rajasthan. Therefore, the researcher look forward other resources to find out the figures related to POCSO cases exclusively.

According to a report published in the Rajasthan Patrika on September 16, 2024, a total of 14,731 cases related to the Protection of Children from Sexual Offences (POCSO) Act have been reported from 2021 to June 2024. Out of these, final reports or charge sheets have been filed in 10,394 cases with the court, while investigations are still ongoing in 1,056 cases. Specifically, investigations are pending for 4 cases from 2021, 24 from 2022, 144 from 2023, and 884 from 2024. The report highlights a particularly grave situation in Jaipur, the capital city of the state, where approximately 2,500 cases have been reported over the past three years.

Furthermore, the report questions the efficiency of police officers concerning delays in the investigation of cases registered under the POCSO Act.⁹

According to the report, based on information provided by police officers, relatives of the victims are implicated in approximately 60 percent of cases. Furthermore, in the majority of instances, a compromise is reached within 8 to 10 months of the case being reported. This is often because cases are either filed to obtain compensation or to falsely accuse the defendant out of revenge or other motives. The report also includes district-wise statistics of the reported cases in the year 2024 up to June, totaling 1503 cases in the State. The above data shows that the police exhibit no leniency in handling POCSO cases. However, it is noted that some cases are filed with the intent of obtaining compensation or implicating adversaries. Educational initiatives in schools are also raising awareness among girls.

⁷ ibid

⁸ National Crime Records Bureau, 'Crime in India 2022: Statistics,' Vol. 1, available at <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf> assessed on November 11, 2024

⁹ 'Apno ke bech Mahfooz nhi... Kaise Bachegi-Kaise Padhegi hmari Betiyan', Rajasthan Patrika, published on September 16, 2024, p. 09

CONCLUSION

In a state that promotes the slogans of educating and protecting daughters, the safety of these individuals remains compromised even within their own communities. At an age when they should be engaged in play, they are instead becoming victims of sexual violence in domestic settings, workplaces, public spaces, and even educational institutions. In the last three and a half years, a total of 14,731 incidents have been filed under the Sexual Violence and Protection of Children from Sexual Offences (POCSO) Act. In most of these cases, the victims have been harmed by people they know. Additionally, the lengthy duration of investigations has sparked concerns about the effectiveness of law enforcement agencies. Notably, over one thousand cases remain unresolved within police records. Law enforcement officials estimate that 60 percent of sexual violence cases against girls are perpetrated by acquaintances and relatives. However, it is also observed that numerous cases have been filed with the intent of obtaining compensation or as a means of implicating adversaries in personal disputes. The above data shows that the police exhibit no leniency in handling POCSO cases. However, it is noted that some cases are filed with the intent of obtaining compensation or implicating adversaries. Educational initiatives in schools are also raising awareness among girls.

REFERENCES

- National Crime Records Bureau, 'Crime in India 2022: Statistics,' Vol. 1, available at <https://www.ncrb.gov.in/uploads/nationalcrimerecordsbureau/custom/1701607577CrimeinIndia2022Book1.pdf> assessed on November 11, 2024
- 'Apno ke bech Mahfooz nhi...Kaise Bachegi-Kaise Padhegi hmari Betiyan', Rajasthan Patrika, published on September 16, 2024, p. 09
- Interagency Working Group on Sexual Exploitation of Children.(2016), *Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse*, ECPAT International and ECPAT Luxembourg, Rachathewi, Bangkok. p.16. https://www.ilo.org/wcmsp5/groups/public/---ed_norm/--ipec/documents/instructionalmaterial/wcms_490167.pdf
- United Nations Children's Fund .(2017). *A Familiar Face: Violence in the lives of children and adolescents*. UNICEF, New York.<https://data.unicef.org/resources/a-familiar-face/>
- National Crime Records Bureau, 'Crime in India 2021: Statistics,' Vol. 1, Pg. 317 (Ministry of Home Affairs, 2020) <https://ncrb.gov.in/sites/default/files/CII-2021/CII_2021Volume%201.pdf> assessed 30 March 2023
- FTSC Scheme Guidelines 2023 available at: <https://doj.gov.in/fast-track-special-court-ftscs/> (Last downloaded December 12, 2024)
- Ribhu, Priyanka; Praharaj, Purujit et. Al (2024), 'Fast Tracking Justice: Role of Fast Track SpCourts in Reducing Case Backlogs, Published by India Child Protection
- Research Unit, Press Information Unit, Government of India, **Swift Justice, Safer Society: The Impact of Fast Track Special Courts**, available at: <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2025/mar/doc2025320523701.pdf> (Last downloaded February 10, 2025)