

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

2019



Department of Justice
Ministry of Law and Justice
Government of India

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Scheme on Fast Track Special Courts (FTSCs) For Expeditious Disposal of Cases of Rape and Protection of Children Against Sexual Offences

(POCSO) Act

Administrative Guidelines for Implementation of the Scheme

2019

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. 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.

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 1 and 1.1 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.

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. ***(see Annexure 2 and 2.1 for State & UT wise distribution of FTSCs)***

5. TIME PERIOD

Initially, FTSCs were to be set up for **one year, spread over two financial years: 2019-20 & 2020-21**. Based on recommendations in the external evaluation carried out in the

third/fourth quarter of the Scheme and subsequent approvals of the competent authorities, Cabinet has approved continuation of the scheme beyond one year for further 2 years (up to March 2023).

6. FUNCTIONING OF THE FTSCs

- i. FTSCs are set up for one year initially and continued up to March 2023. 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.

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. A Budget break is provided in **Annexure 4**.

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 early.
- 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/UTswill 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. Monthly case statistics will be uploaded at the dashboard meant for monitoring of functionality of FTSCs and exclusive POCSO Courts within stipulated date i.e, 7th of the following month.
 - d. A review of the case disposal will also be tracked from NJDG database regularly.
 - e. *Data Collection and Analysis:* Data will be collected from the monthly 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.

f. ***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 5** 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 4.1** which may be used, if deemed fit. This will help the Department of Justice in processing the transfer of funds at an early date.

g. 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.

h. A monthly progress report comprising of physical and financial in a prescribed format will be shared with the Department of Justice.

i. *Progress Review:* The Scheme will be monitored as per the output and outcome framework placed at **Annexure 3**.

j. 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 6**. 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. The Scheme has been launched w.e.f. October 2, 2019.

9. FUNCTIONAL RESPONSIBILITY

Director (Justice-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, 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.

10. EVALUATION

The Scheme will be evaluated by an independent external agency. 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, if needed, a revised proposal may be put up for continuation of the Scheme for further period.

11. SUSTAINABILITY AND CONVERGENCE WITH OTHER SCHEMES

The Scheme initially envisaged 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. Total cases related to rape and POCSO Act were 2,51,846 in March 2021. Out of total pending cases of Rape and POCSO Act cases under POCSO Act were 1,15,536 in March 2021. After the Scheme period, the remaining cases, if any, will be dealt with by the regular courts or other special courts as decided by the State & UT Governments and High Courts.

ANNEXURE 1
STATE& UT WISE DATA OF PENDING CASES OF RAPE AND POCSO ACT
(COMBINED)

AS ON 31.3.2021

Sl. No.	Name of State/UT	Cases pending under Rape and POCSO Act	FTSCs Proposed
1.	Andhra Pradesh,	4532	18
2.	Telangana	9337	36
3.	A/N Islands	NA	1
4.	Arunachal Pradesh	416	3
5.	Assam	8207	27
6.	Bihar	17194	54
7.	Chandigarh	207	1
8.	Chhattisgarh	6156	15
9.	Goa	232	2
10.	Gujarat	10624	35
11.	Haryana	5787	16
12.	Himachal Pradesh	1526	6
13.	Jammu & Kashmir	2242	4
14.	Jharkhand	5105	22
15.	Karnataka	7277	31
16.	Kerala	14199	56
17.	Madhya Pradesh	14347	67
18.	Maharashtra	37950	138
19.	Manipur	199	2
20.	Meghalaya	534	5
21.	Mizoram	352	3
22.	Nagaland	NA	1
23.	NCT of Delhi	3204	16
24.	Odisha	17315	45
25.	Punjab	2849	12
26.	Rajasthan	15040	45
27.	Tamil Nadu	5584	14
28.	Tripura	730	3
29.	Uttarakhand	1856	4
30.	Uttar Pradesh	55510	218
31.	West Bengal	3335	123
32.	Total	2,51,846	1023

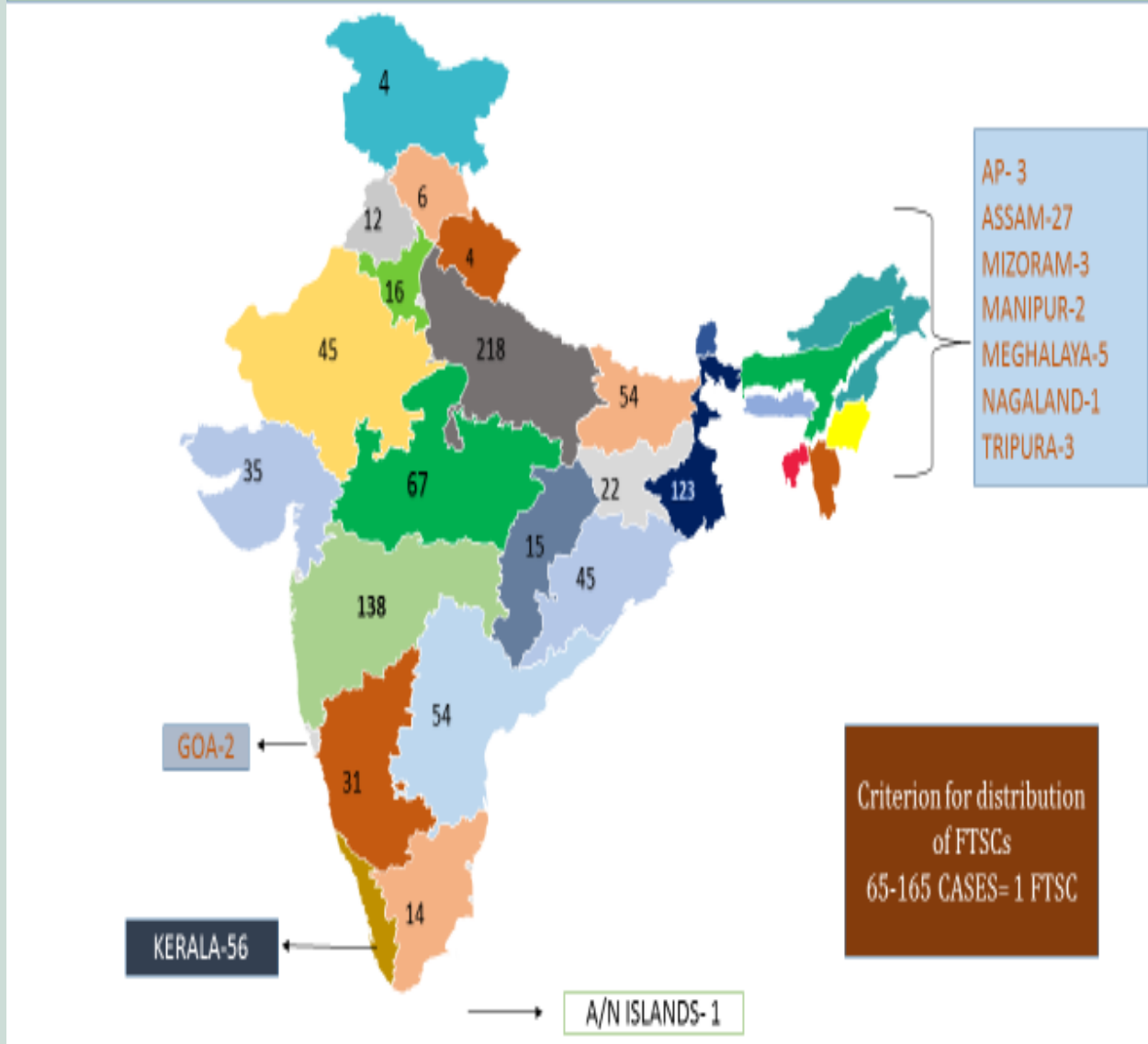
ANNEXURE 1.1
DATA ON PENDING CASES OF POCSO ACT
As on 31.03.2021

SNo.	Name of State/UT	No. of cases pending trial under POCSO Act as on 31.03.2021
1.	Andhra Pradesh,	3701
2.	Telangana	7682
3.	Arunachal Pradesh	NA
4.	Assam	5456
5.	Bihar	NA
6.	Chandigarh	143
7.	Chhattisgarh	4441
8.	Goa	44
9.	Gujarat	5896
10.	Haryana	4153
11.	Himachal Pradesh	463
12.	Jammu & Kashmir	438
13.	Jharkhand	2314
14.	Karnataka	3107
15.	Kerala	4652
16.	Madhya Pradesh	8947
17.	Maharashtra	27512
18.	Manipur	39
19.	Meghalaya	NA
20.	Mizoram	318
21.	Nagaland	NA
22.	NCT of Delhi	4899
23.	Odisha	12242
24.	Punjab	2249
25.	Rajasthan	7479

SNo.	Name of State/UT	No. of cases pending trial under POCSO Act as on 31.03.2021
26.	Tamil Nadu	4416
27.	Tripura	415
28.	Uttarakhand	897
29.	Uttar Pradesh	2815
30.	West Bengal	581
31.	Puducherry	NA
32.	Andaman & Nicobar	NA
33.	Sikkim	237
	Total	115536

ANNEXURE 2
FAST TRACK SPECIAL COURTS ACROSS THE COUNTRY

1023 FAST TRACK SPECIAL COURTS ACROSS THE COUNTRY



ANNEXURE 2.1
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 3
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 for continued period (2021-23) is 1567.86 Cr. Out of which central share is Rs.971.70 Cr. (as per 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 2,52,126 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

BUDGET BREAK UP (FOR EACH FTSC) FY 2021-22

For each FTSC, INR 75 Lacs is provided for one year. Budget Break up of INR 75 Lacs is as follows:

Components	Budget
Salary/Remuneration of 1 Presiding Officer and 7 staff members per year	INR 63 Lacs
Rental per court, per year	INR 3.90 Lacs
Flexi Grant (Operational Cost (per court, per year)	INR 8.10 Lacs
Total	INR 75 Lacs

- i. The above budget break-up is indicative. States& UTs should keep the expenditure within INR 75 Lacs 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.

BUDGET BREAK UP (FOR EACH FTSC) FY 2022-23

For each FTSC, INR 78.75 Lacs is provided for one year. Budget Break up of INR 78.75 Lacs is as follows:

Components	Budget
Salary/Remuneration of 1 Presiding Officer and 7 staff members per year	INR 66.15 Lacs
Rental per court, per year	INR 4.095 Lacs
Flexi Grant (Operational Cost (per court, per year)	INR 8.505 Lacs
Total	INR 78.75 Lacs

- i. The above budget break-up is indicative. States & UTs should keep the expenditure within INR 78.75 Lacs 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 4.1

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 5
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 6
RESOURCE PERSONS INFORMATION
DEPARTMENT OF JUSTICE

S No.	Name	Designation	Contact Details
1.	Shri Pravash Prashun Pandey	Joint Secretary (Justice II)	Phone: 011-23381496 Email: pravash.panday2@gov.in js.ecourts-doj@gov.in Address: Room No. 25, Department of Justice, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
2.	Shri Muralidhar Pandey	Director, (Justice II)	Phone: 011-23385332 Email: p.muralidhar@gov.in Address: Room No. 12-D, Department of Justice, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
3.	Shri R.K Katiyar	Under Secretary (Justice-II)	Phone: 011-23072549 Email: rk.katiyar@nic.in Address: Room No. 29, Department of Justice, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
4.	Shri Anshum Goswami	Consultant, (Justice II)	Phone: 011-23385346 Email: anshum.goswami@govcontractor.in Address: Room No. 22, Department of Justice, Jaisalmer House, 26, Man Singh Road, New Delhi-110011