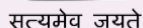


2023



**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 from Sexual Offences (POCSO) Act

Administrative Guidelines for Implementation of the Scheme

2023-24 to 2025-26

1. INTRODUCTION

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 from 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, but 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 Amendment to Criminal Procedure Code in 2018 and the POCSO Act prescribe strict timelines for completion of investigation and trial. However, despite the existence of 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 implement the Criminal Law (Amendment) Act, 2018 and comply with the directives of the Supreme Court, the Government devised a Scheme in August, 2019. This Scheme aimed to establish Fast Track Special Courts (FTSCs), including exclusive POCSO Courts nationwide for expeditious disposal of rape and POCSO Act cases. The Scheme has been launched w.e.f. October 2, 2019.

2. OBJECTIVE

The objective of the Scheme is to provide time-bound justice to victims by establishing FTSCs, including exclusive POCSO (e-POCSO) courts, across the country, ensuring the targeted disposal of rape and POCSO Act cases.

3. TARGET

The implementation of the Centrally Sponsored Scheme (CSS) of FTSCs, managed by the Department of Justice, Ministry of Law & Justice, aims to support State Governments in establishing FTSCs across the country. A total of 790 FTSCs are to be set up under the Scheme including exclusive POCSO (e-POCSO) courts.

A State/UT-wise details of pending cases of both Rape and POCSO Act at the inception of the Scheme is given at **Annexure-1** and State/UT-wise data on number of functional FTSCs and pending cases of both Rape and POCSO Act as on 31.03.2023 is given at **Annexure-1.1**.

Each FTSC is expected to dispose of 41-42 cases in each quarter and at least 165 cases in a year.

4. GEOGRAPHIC COVERAGE

As mentioned above, a total of 790 Fast Track Special Courts are to be set up all over the country which would include Combined FTSCs (trial of Rape and POCSO Act cases) and e-POCSO Courts (exclusive trial of POCSO Act cases).

At the inception of the Scheme, there were 389 districts in the country where the number of pending cases under POCSO Act exceeded 100. Therefore, as per the order of Hon'ble Apex Court, in each of these districts one exclusive POCSO court was to be set up which would try no other cases except those under the POCSO Act.

As on 30.11.2023, a total number of 758 Fast Track Special Courts including 411 exclusive POCSO Courts have been set up across the country. State/UT-wise details of the same may be seen at **Annexure-2**.

5. TIME PERIOD

The scheme was initially for one year, which was further extended up to March, 2023. The Union Cabinet in its meeting held on 28.11.2023 has further extended the Scheme for another three years - from 01.04.2023 to 31.03.2026, at a total financial outlay

of Rs. 1952.23 cr. including Rs. 1207.24 cr. as Central Share to be incurred from Nirbhaya Fund.

6. FUNCTIONING OF THE FTSCs

- i. The FTSC Scheme has been extended up to March, 2026. Since the Scheme is temporary in nature, it does not intend to create any permanent infrastructure/asset.
- ii. Each FTSC will have one Judicial Officer and seven support staff members. The Judicial Officer and staff will work exclusively for disposal of Rape and POCSO Act cases. 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 support staff on contractual basis, if required. Services of retired Judicial Officers having adequate knowledge and experience of handling of cases of Rape and POCSO Act may be utilized 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 in consultation with their respective High courts will decide the number of FTSCs to be set up and will draw up the action plan for its implementation accordingly.
- 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 on a full-time basis.

7. FINANCING: CENTRALLY SPONSORED SCHEME

The financing of the Scheme will be on the pattern of Centrally Sponsored Schemes (CSS) as follows:

- i. 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 (now a Union Territory), Himachal Pradesh and Uttarakhand where the sharing will be in the ratio of 90:10.
- ii. Further, for UTs with legislature the ratio will be 60:40 and for UTs without legislature, the entire funding will be made by the Central Government.

- iii. Provision of funds is made for meeting expenses related to remuneration to one Judicial Officer and seven support staff as well as flexi-grants. Flexi-Grant can be utilized for meeting daily operational expenses and making the courts child and women friendly. A break-up of the Budget is provided at **Annexure-3**.
- iv. The Scheme will continue to run on reimbursement mode i.e. the funds will be released only after the Expenditure Statement has been submitted by the respective State/UT Governments as per the format placed at **Annexure-3.1**.

8. IMPLEMENTATION FRAMEWORK

- i. The Scheme will be implemented by the State/UT Governments and their respective High Courts in close coordination.
- ii. States/UTs must adhere to the Department of Expenditure's (DoE) standing instructions concerning the mandatory conditions for Special Assistance to States. These instructions stipulate that States must fully comply with the official names of all Centrally Sponsored Schemes, with the provision for accurate translation into the local language, as well as any guidelines or instructions issued by the Government of India regarding the branding of Centrally Sponsored Schemes within all schemes of all Ministries. Hence, all the functional courts under this Scheme must be officially named as the 'Fast Track Special Courts'.
- 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.
 - b. State/UT Governments in consultation with their respective High Courts will appoint Judicial Officers and supporting staff and make all necessary arrangements for functioning of these courts.
 - c. Depending upon the pending rape and POCSO Act cases, disposals and perceived necessities of the States & UTs, the Department of Justice may reallocate the FTSCs within the overall number of FTSCs, as per the requirement.
 - d. Monthly case statistics will be uploaded on the dashboard meant for monitoring the functioning of FTSCs and exclusive POCSO Courts within the stipulated date i.e. by the 15th of the following month.

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, for a timely and efficient implementation of the Scheme, a separate Budget Head for receiving the Central Share of funds for the FTSCs may be created. Law Departments of the States/UTs may convey the action taken in this regard to Department of Justice at the earliest. A reply format is placed at **Annexure-4** which may be used. 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 Officer in their respective High Courts to facilitate better coordination with the Department during the course of the Scheme.
- g. A monthly progress report comprising of physical and financial progress will be uploaded by the High Courts, on the Dashboard created by the Department of Justice.
- h. *Review of Progress:* The Scheme will be reviewed and monitored as per the Output and Outcome Monitoring Framework (OOMF) as finalized each Financial Year.
- i. For clarification on any point, the resource persons of the Department whose names and contact details are given in **Annexure-5**, may be contacted. The Department of Justice is committed to extend all requisite assistance to the High Courts and the State/UT Governments in setting up of these courts.

9. FUNCTIONAL RESPONSIBILITY

Director/Deputy Secretary (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/Deputy Secretary (Justice-II) shall be assisted by a team of personnel in Justice-II Division of the Department. This team shall be responsible to oversee/monitor

the functioning of the Scheme, timely release of funds to the States/UTs, receive physical and financial progress reports and conduct review meetings with the concerned stakeholders from time to time.

At the State/UT level, the Registrars General of High Courts and Law Secretaries shall be responsible for the implementation of the Scheme and achievement of set targets. A Nodal Officer each from the High Courts as well as the Law Departments will be appointed and his/her details may be communicated to Department of Justice. The Nodal Officers will assist the concerned High Courts and State/UT Governments respectively in connection with carrying out of various tasks under the Scheme such as identification of premises for setting up of FTSCs, preparation and finalization of contracts for recruitment of staff wherever necessary, compilation and submission of all necessary reports and coordination with the Department of Justice team.

10. EVALUATION

The Scheme will be evaluated by an independent external agency. The Terms of Reference (ToR) of the evaluation will be drawn by Department of Justice in consultation with Ministry of Home Affairs and Ministry of Women and Child Development. Based on the outcomes of the evaluation, if needed, a proposal for continuation of the Scheme for a further period beyond the present one may be taken up. States/UTs are also required to cooperate and assist in the evaluation process whenever asked to do so.

11. SUSTAINABILITY AND CONVERGENCE WITH OTHER SCHEMES

- The Scheme initially envisaged targeted disposal of 1,66,882 cases of Rape and POCSO Act which included 1,60,989 cases of POCSO Act (*as per the data collected from the High Courts as on 30.6.2019*), within one year.
- As on 31.03.2023, a total number of 1,99,367 Rape and POCSO Act cases were pending in 773 Fast Track Special Courts including 415 e-POCSO Courts. As on 30.11.2023, a total number of 2,01,805 Rape and POCSO Act cases are pending in 758 Fast Track Special Courts including 411 e-POCSO Courts.
- After the Scheme period is over, 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 AS ON 31.03.2018

Sl. No.	Name of the States/UTs	Cases Pending under Rape and POCSO Act
1	Andhra Pradesh	2811
2	Andaman & Nicobar Island	147
3	Arunachal Pradesh	351
4	Assam	4423
5	Bihar	8878
6	Chandigarh	98
7	Chhattisgarh	2360
8	Delhi	2523
9	Goa	235
10	Gujarat	5677
11	Haryana	2529
12	Himachal Pradesh	889
13	Jammu & Kashmir	825
14	Jharkhand	3533
15	Karnataka	5121
16	Kerala	9370
17	Madhya Pradesh	11051
18	Maharashtra	22775
19	Manipur	242
20	Meghalaya	645
21	Mizoram	377
22	Nagaland	75
23	Odisha	7292
24	Punjab	1902
25	Rajasthan	7431
26	Tamil Nadu	2049
27	Telangana	5598
28	Tripura	410
29	Uttar Pradesh	36008
30	Uttarakhand	613
31	West Bengal	20221
	TOTAL	166882

ANNEXURE-1.1**STATE/UT-WISE DATA ON NUMBER OF FUNCTIONAL FTSCs ALONG WITH THE
CORRESPONDING PENDENCY AS ON 31.03.2023**

Sl. No.	Name of the States/UTs	No. of Combined FTSCs (Rape and POCSO)	No. of ePOCSO courts	Total No. of FTSCs including ePOCSO	Pendency of cases
1	Andhra Pradesh	0	17	17	8389
2	Assam	0	17	17	4084
3	Bihar	0	45	45	15733
4	Chandigarh	1	0	1	218
5	Chhattisgarh	4	11	15	2600
6	Delhi	5	11	16	4460
7	Goa	0	1	1	43
8	Gujarat	11	24	35	6800
9	Haryana	4	12	16	4168
10	Himachal Pradesh	3	3	6	891
11	J&K	2	2	4	440
12	Jharkhand	6	16	22	4394
13	Karnataka	14	17	31	5395
14	Kerala	42	14	56	6648
15	Madhya Pradesh	10	57	67	11388
16	Maharashtra	21	17	38	8690
17	Manipur	2	0	2	122
18	Meghalaya	0	5	5	1007
19	Mizoram	2	1	3	64
20	Nagaland	1	0	1	53
21	Odisha	22	23	45	12039
22	Punjab	9	3	12	1612
23	Rajasthan	15	30	45	6991
24	Tamil Nadu	0	14	14	5057
25	Telangana	34	0	34	7647
26	Tripura	2	1	3	319
27	Uttar Pradesh	144	74	218	79174
28	Uttarakhand	4	0	4	941
	TOTAL	358	415	773	199367

ANNEXURE-2**STATE/UT-WISE DATA ON NUMBER OF FUNCTIONAL FTSCs ALONG WITH THE
CORRESPONDING PENDENCY AS ON 30.11.2023**

Sl. No.	Name of the States/UTs	No. of Combined FTSCs (Rape and POCSO)	No. of ePOCSO Courts	Total No. of FTSCs including ePOCSO	Pendency of cases
1	Andhra Pradesh	0	16	16	7306
2	Assam	0	17	17	5101
3	Bihar	0	46	46	17502
4	Chandigarh	1	0	1	212
5	Chhattisgarh	4	11	15	2296
6	Delhi	5	11	16	3816
7	Goa	1	0	1	156
8	Gujarat	11	24	35	6284
9	Haryana	4	12	16	4176
10	Himachal Pradesh	3	3	6	856
11	J&K	2	2	4	493
12	Jharkhand	6	16	22	4490
13	Karnataka	14	17	31	5454
14	Kerala	40	14	54	7293
15	Madhya Pradesh	10	57	67	10295
16	Maharashtra	10	10	20	4366
17	Manipur	2	0	2	100
18	Meghalaya	0	5	5	1053
19	Mizoram	2	1	3	92
20	Nagaland	1	0	1	54
21	Odisha	21	23	44	11149
22	Puducherry	0	1	1	212
23	Punjab	9	3	12	1501
24	Rajasthan	15	30	45	6237
25	Tamil Nadu	0	14	14	4449
26	Telangana	36	0	36	8462
27	Tripura	2	1	3	250
28	Uttar Pradesh	144	74	218	84322
29	Uttarakhand	4	0	4	902
30	West Bengal	0	3	3	2926
	TOTAL	347	411	758	201805

** The UT of Puducherry made a special request to be part of the Scheme*

ANNEXURE-3

BUDGET BREAK-UP OF THE SCHEME

Year-wise budget break-up for each FTSC is as follows:

Components	Budget (INR in Lakhs)		
	2023-24	2024-25	2025-26
Salary/Remuneration of 1 Presiding Officer and 7 support staff members per year	69.45	72.92	76.57
Flexi-Grant (Operational Cost per court, per year)	8.94	9.39	9.85
TOTAL	78.39	82.31	86.42

- i. The above budget break-up is indicative. States/UTs should keep the expenditure within the prescribed limit per court per year. Any excess expenditure over and above this budget should be met from their own funds.
- ii. Flexi-Grant may be utilized for meeting daily operational expenses and for making the courts child and women friendly.
- iii. Funds may not be utilized for the creation of any permanent infrastructure/assets.

ANNEXURE-3.1

FORMAT FOR STATEMENT OF EXPENDITURE

Paid after due audit and passing of State/UT Government

Financial Year: _____ Month: _____

It is hereby certified that an amount of ₹ has been incurred for the operationalization of Fast Track Special Courts (including exclusive POCSO courts). Details of the expenditure are as mentioned below:

Towards Salary: ₹.

Towards Other Charges: ₹.

TOTAL EXPENDITURE: ₹.

Certification

- i. It is certified that the grants have been utilized strictly as per the prescribed guidelines for the establishment and operationalization of Fast Track Special Courts on the pattern of Centrally Sponsored Schemes.
 - ii. It has been ensured that the expenditures on the scheme's components adhere to the proportions authorized by the scheme's guidelines and the terms and conditions of the grants-in-aid.
 - iii. It is certified that appropriate checks and audits have been carried out to confirm that the funds have been utilized solely for their intended purpose. The list of functional Fast Track Special Courts including exclusive POCSO courts is enclosed.
 - iv. It is also certified that no cases other than rape and POCSO Act cases are being taken up in the above-mentioned courts.
-

Signed by/on behalf of the Secretary (Law), State/UT Government

Counter-signed/on behalf of the Secretary, Finance Department of the State/UT Government concerned.

**LIST OF FUNCTIONAL FAST TRACK SPECIAL COURTS INCLUDING EXCLUSIVE POCSO
COURTS NOTIFIED UNDER THE CENTRALLY SPONSORED SCHEME (CSS) OF
FAST TRACK SPECIAL COURTS AS DEDICATED COURTS DEALING
EXCLUSIVELY WITH RAPE AND POCSO ACT CASES**

List of Combined FTSCs dealing exclusively with both Rape and POCSO Act Cases				
Sr. No.	Name of the Court	Court Number	Name of the Judicial Officer & Designation	Address of the Court

List of Exclusive POCSO Courts				
Sr. No.	Name of the Court	Court Number	Name of the Judicial Officer & Designation	Address of the Court

ANNEXURE-4

**DRAFT LETTER TO DEPARTMENT OF JUSTICE FOR CONVEYING CONSENT AND
PROVIDING ADDITIONAL INFORMATION ON THE SCHEME**

Dated:

From:

Shri.....
Law Secretary
.....

To:

Shri Biswanath Sahoo,
Deputy Secretary (Justice-II),
Department of Justice,
Room No. 30, Jaisalmer 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 number of Fast Track Special Courts (FTSCs) in the State/UT of We hereby convey the willingness of State/UT for participation in the Scheme and start number of FTSCs. Details for releasing the funds are as under:

Budget Head.....

A/c No.....

Bank/ Branch.....

Yours Sincerely,

.....

ANNEXURE-5**DETAILS OF RESOURCE PERSONS IN DEPARTMENT OF JUSTICE**

Sl. 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, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
2.	Shri Biswanath Sahoo	Deputy Secretary (Justice-II)	Phone: 011-23385346 Email: b.sahoo66@nic.in Address: Room No. 30, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
3.	Smt. Lalita T. Hedaoo	Under Secretary (Justice-II)	Phone: 011-23072136 Email: lalita.tejram@gov.in Address: Room No. 40-B, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
4.	Shri Vijender Kumar Chhikara	Section Officer (Justice-II)	Phone: 011-23385346 Email: vk.chhikara28@gov.in Address: Room No. 22, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
5.	Ms. Mahak Acharya	Senior Consultant (Justice-II)	Phone: 011-23385346 Email: mahak.acharya@nic.in Address: Room No. 22, Jaisalmer House, 26, Man Singh Road, New Delhi-110011
6.	Ms. Alo Dutt	Consultant (Justice-II)	Phone: 011-23385346 Email: alo.dutt@nic.in Address: Room No. 22, Jaisalmer House, 26, Man Singh Road, New Delhi-110011