

JUSTICE AWAITS

**AN ANALYSIS OF THE EFFICACY OF
JUSTICE DELIVERY MECHANISMS IN CASES
OF CHILD SEXUAL ABUSE IN INDIA**

REPORT BY

INDIA
CHILD
PROTECTION
FUND

JUSTICE AWAITS

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Executive Summary

In India, the Protection of Children from Sexual Offences (POCSO) Act, 2012, describes various forms of sexual offenses and prescribes punishments for any sexual activity with a child below 18 years. Child Sexual Abuse (CSA) includes an array of sexual activities like fondling, inviting a child to touch or be touched sexually, intercourse, exhibitionism, involving a child in prostitution or pornography, or online child luring by cyber-predators.

The alarming rise in CSA and the ensuing slow rate of disposal, were at the core of a special scheme launched by the Government of India. The scheme has been implemented as a centrally sponsored scheme since October 2019 for the setting up and functioning of 1,023 Fast Track Special Courts (FTSCs) for swift trial and delivery of justice to the victims of CSA across the country. The Union Cabinet, led by the Prime Minister of India, recently approved the continuation of the Fast Track Special Courts (FTSCs) as a Centrally Sponsored Scheme (CSS) for the period of April 1, 2023, to March 31, 2026, with a total cost of Rs. 1952.23 crore. This paper by the India Child Protection Fund (ICPF) is an analysis of the status of disposal of cases under the POCSO Act in India.

The key findings of the analysis are:

- At the national level, a mere 3 percent of cases resulted in convictions in 2022. Only 8,909 of the 2,68,038 cases that were under trial resulted in a conviction for the accused.
- On average, only 28 POCSO cases were disposed of by each FTSC in 2022.
- In 2022, the average expenditure for the disposal of each POCSO case amounted to INR 2.73 lakhs. Likewise, the average financial commitment from the public exchequer for each successfully convicted POCSO case was estimated to be INR 8.83 lakhs.
- India will take almost nine (9) years, if no new case is added, to clear the backlog of POCSO cases pending as of 31st January, 2023.
- Given the substantial backlog of 2.43 lakh pending POCSO cases, there is an imperative to conduct a comprehensive reassessment of the situation at the district level and establish new ePOCSO courts as necessary.
- All 1,023 sanctioned Fast Track Special Courts as per the scheme must be made fully functional immediately.
- For the victim, the fight for justice does not end even after conviction at the lower court, and until such time as the appeal process is done, that fight continues. Hence, appeal/trial times must be defined to ensure speedy justice. Hence, policies should be framed in this regard, and time-bound frameworks must be made at the High Court and Supreme Court levels to monitor and expedite the disposal of pending POCSO cases.

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2024

**FOR JUSTICE
IN**

KARNATAKA

(No. of cases pending in POCSO Courts as on Jan'2023 - 919)

AND

GOA

(No. of cases pending in POCSO Courts as on Jan'2023 - 62)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2025

**FOR JUSTICE
IN**

KERALA

(No. of cases pending in POCSO Courts as on Jan'2023 - 3,381)

AND

MADHYA PRADESH

(No. of cases pending in POCSO Courts as on Jan'2023 - 10,066)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2026

**FOR JUSTICE
IN**

HIMACHAL PRADESH

(No. of cases pending in POCSO Courts as on Jan'2023 - 417)

AND

PUNJAB

(No. of cases pending in POCSO Courts as on Jan'2023 - 2,250)

AND

CHHATTISGARH

(No. of cases pending in POCSO Courts as on Jan'2023 - 5,332)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2027

**FOR JUSTICE
IN**

SIKKIM

(No. of cases pending in POCSO Courts as on Jan'2023 - 284)

AND

GUJARAT

(No. of cases pending in POCSO Courts as on Jan'2023 - 3,043)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2028

**FOR JUSTICE
IN**

HARYANA

(No. of cases pending in POCSO Courts as on Jan'2023 - 4,688)

AND

ASSAM

(No. of cases pending in POCSO Courts as on Jan'2023 - 6,875)

AND

MIZORAM

(No. of cases pending in POCSO Courts as on Jan'2023 - 276)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2029

**FOR JUSTICE
IN**

TAMIL NADU

(No. of cases pending in POCSO Courts as on Jan'2023 - 9,753)

AND

TRIPURA

(No. of cases pending in POCSO Courts as on Jan'2023 - 406)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2030

**FOR JUSTICE
IN**

MANIPUR

(No. of cases pending in POCSO Courts as on Jan'2023 - 103)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2031

**FOR JUSTICE
IN**

TELANGANA

(No. of cases pending in POCSO Courts as on Jan'2023 - 10,605)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2033

**FOR JUSTICE
IN**

RAJASTHAN

(No. of cases pending in POCSO Courts as on Jan'2023 - 8,921)

AND

JHARKHAND

(No. of cases pending in POCSO Courts as on Jan'2023 - 4,408)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2034

**FOR JUSTICE
IN**

ANDHRA PRADESH

(No. of cases pending in POCSO Courts as on Jan'2023 - 8,137)

**SEXUALLY ABUSED CHILDREN HAVE TO WAIT
TILL THE YEAR**

2036

**FOR JUSTICE
IN**

MAHARASHTRA

(No. of cases pending in POCSO Courts as on Jan'2023 - 33,072)

The Context

Due to the social stigma associated with talking about sex and sexuality, Child Sexual Abuse (CSA) often remains a hidden crime which is challenging to uncover. Under-reporting of the incidence of CSA is a huge concern in India. Despite concentrated efforts, legal provisions and an improved support system, CSA is still considered taboo and the majority of people prefer to keep silent on the issue. A study conducted by the Kailash Satyarthi Children’s Foundation (KSCF) in 2018 highlighted that only seven percent of victims and/or their families approach the police to report the incidence of CSA and appropriate legal action.¹ Further, the survivors and their family members who show the courage to report the crime to the police experience huge mental trauma, which is primarily caused due to the delay in the court trial process. Another study conducted by the KSCF in 2017 found that case pendency and delays are the major hurdles in bringing the survivors and their families back to the mainstream.²

The Protection of Children from Sexual Offences, 2012 Act (POCSO) is a critical legal instrument and was formulated in order to effectively address sexual abuse and sexual exploitation of children. It provides protection to children from sexual assault, sexual harassment and pornography. POCSO also laid down special features like child friendly procedures, recording of evidence, designation of special courts under POCSO, establishment of Special Courts and speedy trial for cases falling under its ambit.

In recent years, with massive awareness campaigns and systemic support systems for child protection being modelled by civil society, there has been improved reporting of child sexual abuse and sexual exploitation³ cases, though it can still be safely said that a large proportion of the cases are not reported. However, despite the statutory requirements, justice delivery to victims has been astonishingly slow. The knowledge regarding POCSO is quite low among the masses. With high pendency rates and low conviction rates, there are questions on availability of child friendly environment for facilitating reporting, investigation and justice delivery systems.

1. Child Sexual abuse: Awareness and Perceptions among Young Adults in India. [child-sexual-abuse.pdf \(satyarthi.org.in\)](http://child-sexual-abuse.pdf(satyarthi.org.in))

2. The Psychosocial Impact of Child Sexual Abuse. [the-psychological-child-impact.pdf \(satyarthi.org.in\)](http://the-psychological-child-impact.pdf(satyarthi.org.in))

3. Sexual Exploitation means and includes a situation where a person under coercion, or in the absence of his free will is sexually used or abused, or explicitly portrayed, either physically, or through media (print, electronic, internet) in a sexual manner, for the benefit of another person(s), either through monetary gains, or compensation, or favours, or any other arrangement, causing unlawful gain as a result of such act to any person and includes brokering relationships that are coerced (NALSA).

The Supreme Court of India on December 16, 2019 passed a detailed order with directions to State Governments on the setting up of exclusive courts for the trial of cases under the Prevention of Children against Sexual Offences Act, 2012 (POCSO). This was in continuance of the July 25, 2019 order, when it had directed all states to ensure that an exclusive POCSO court be set up within 60 days in every district that has more than 100 POCSO cases pending⁴.

The Ministry of Law and Justice acted upon the directions of the Supreme Court and came up with the scheme on Fast Track Special Courts (FTSCs) for expeditious disposal of rape and POCSO Act cases in January 2020. The scheme envisaged establishing 1,023 FTSCs, including 389 Exclusive POCSO Courts (EPCs), by the end of FY 2021-22 across India for quicker disposal of rape and POCSO cases⁵.

Through this analysis, the India Child Protection Fund (ICPF), highlights India's current situation regarding cases and complaints under the POCSO Act. Even after a decade of formulation of this self-contained comprehensive legislation, still unfulfilled hopes and expectations of victims and their families lies which were not adequately addressed by the erstwhile extant laws. However, the efficiency with which cases are being dealt with leaves much to be desired.

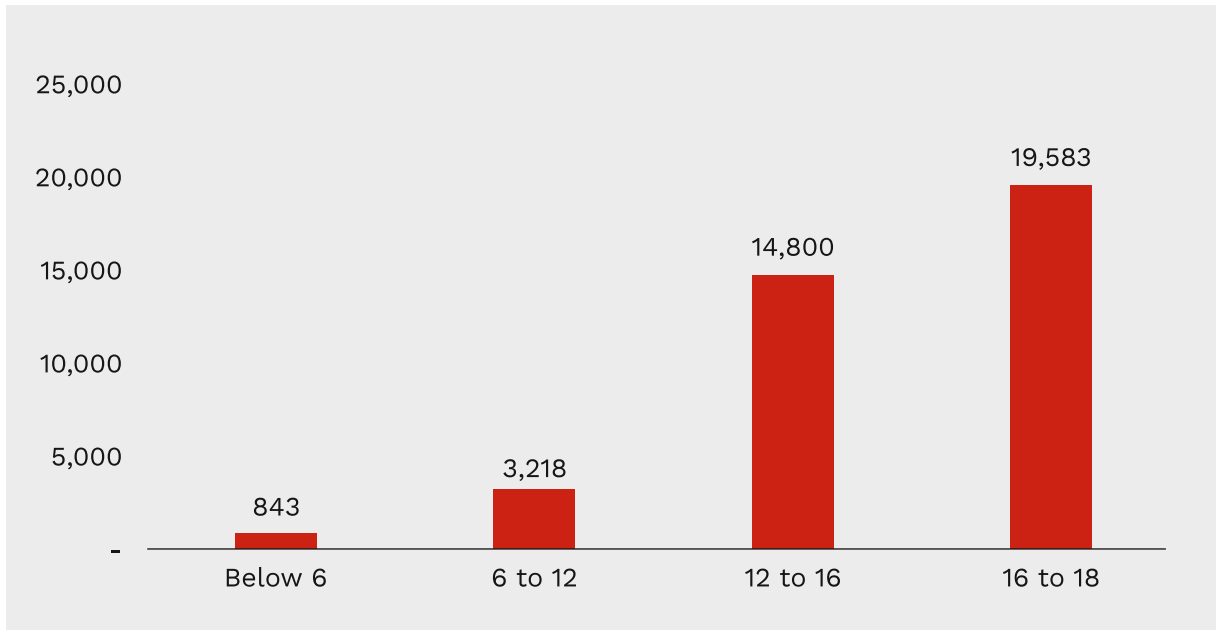
Rapid analysis of the data revealed a shocking trend of case backlog that can have enormous implications on the original commitment by the public system in India towards our abused and exploited children in terms of delivering justice. Data published by the National Crime Records Bureau (NCRB) shows that in 2021, 54,359 children and in 2022, 64,469 children were sexually abused in India. The number of cases pending for trial at the end of the calendar year also increased from 2.05 lakhs in 2021 to 2.39 lakhs in 2022. This grim reality can be altered only when legal instruments created in 2012 specifically to control the crime of child sexual abuse are empowered and made efficient and effective. Ironically, since POCSO's formulation, not much has changed, as the comparative figure reveals that the number of children being sexually abused in the country has almost doubled in the last six years (increased from 33,210 in 2017 to 64,469 in 2022).

The NCRB data also provides the age profile of child rape victims. As per the reported data for 2022, 38,444 children were raped in the country. The age profile of these child victims suggests that half (51 percent) of them were aged between 16 to 18 years. More than one tenth (11 percent) (4,061 out of 38,444) of children were less than 12 years of age. Rest two fifths (38 percent) of child victims of rape were aged 12 to 16 years.

4. Supreme Court Observer, <https://www.scobserver.in/court-case/pocso/pocso-day-16-arguments>

5. Ministry of Law and Justice (2019), Scheme on Fast Track Special Courts (FTSCs) for Expeditious Disposal of Cases of Rape and Protection of Children against Sexual Offences (POCSO) Act, Department of Justice, Government of India

Figure 1 Age profile of victims of rape in 2022



Child Marriage and Sexual Abuse

No crime is committed in a isolation. In particular, the crime of child marriage is regarded as a joyous celebration in our society. However, the majority of us are unaware that we are actually celebrating a child who is going to be raped shortly.⁶

Child marriage⁷, an age-old social evil, robs children of their childhood, hurtling them into adulthood overnight. It is one of the worst forms of exploitation against children and surpasses the barriers of caste, culture and religion, with strong linkages to sexual abuse. In 2017, the Supreme Court ruled that sexual intercourse by a man with his wife, who is below 18 years, is rape, reading down Exception 2 to Section 375 (rape) of the Indian Penal Code, which allowed the husband of a girl child - between 15 and 18 years of age - to have non-consensual sex with her⁸. Thus the gravity of child marriage, when framed as child rape, becomes starkly evident.

One of the most disturbing aspects of child marriage is the non-consensual nature of the union⁹. Children cannot provide informed consent, and their involvement in marital relations is

6. Ribhu B (2023). When Children Have Children: Tipping point to End Child Marriage.

7. Under the Prohibition of Child Marriage Act of 2006, the legal age of marriage for girls is 18 years and for boys it is 21 years.

8. <https://www.livelaw.in/top-stories/sex-with-minor-wife-supreme-court-acquits-husband-of-rape-relying-on-exception-2-to-sec-375-ipc-223180#:~:text=In%202017%2C%20the%20Supreme%20Court,was%20given%20only%20prospective%20effect.>

9. <https://assembly.coe.int/nw/xml/XRef/X2H-Xref-ViewHTML.asp?FileID=10969>

coerced by societal norms, family pressures, or economic hardships. This non-consensual aspect underscores the violation of a child's autonomy and basic human rights. The physical consequences of child marriage, when viewed through the lens of child rape, become particularly troubling. Child brides are at a heightened risk of early and unplanned pregnancies, leading to severe health complications, including maternal mortality and infant mortality.

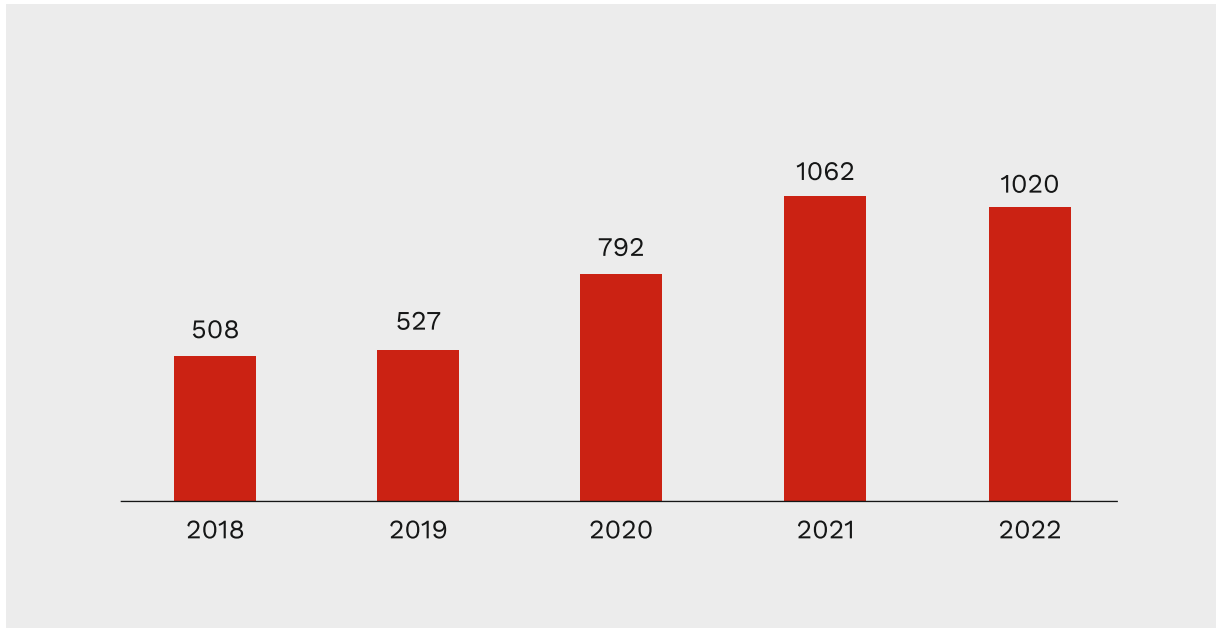
Despite legal prohibitions and efforts to eradicate this practice, child marriages continue to persist across states due to a complex interplay of cultural, social, economic, and religious factors. As per Census 2011 data, every day a staggering 4,442 girls (below 18 years) were getting married. This translates into 185 girl children getting married every hour and 3 of them getting married every minute¹⁰.

It is however highly unfortunate that as against such a staggering number of child marriages performed throughout the length and breadth of the country, the total number of victims of child marriage registered under the Prohibition of Child Marriage Act, 2006 (PCMA), over the past five years (2018 to 2022) stands only at 3909. This translates into merely 782 victims of child marriage per year. Even the latest crime in India report suggests that on average only 3 cases of child marriage were registered in 2022, which is nothing as compared to the staggering child marriage incidences in the country. In total, 1,002 cases were registered during 2022 under the PCMA. Karnataka (218), Assam (175), Tamil Nadu (155), West Bengal (122), and Maharashtra (101) emerged as the highest contributors to the total child marriage cases registered in the country.

	No. of cases Registered under PCMA during 2022	Average No. of Girl Victims of Child Marriage (Census 2011)
Per Year	1002	16.2 lakh
Per day	3	4,442
Per hour	-	185
Per minute	-	3

10. The total average number of girls married as child (below 17 years of age) during the past 4 years of Census 2011 stands at 16.21 lakh.

Figure 2 Total Victims of Child Marriage in India Under PCMA, 2006



Data Source

Recently, the Ministry of Law and Justice and the Ministry of Women and Child Development, Government of India, presented data responding to questions in Lok Sabha and Rajya Sabha on the pendency and disposal of POCSO cases. The details of the questions and answers referred to and used in this paper are as follows:

- 1) Lok Sabha Starred Question No. 338 Dt. 11.08.2023, Ministry of Law and Justice Department of Justice, Government of India
- 2) Lok Sabha Unstarred Question No. 2887, Dt. 17.03.2023. Ministry of Women and Child Development, Government of India
- 3) Rajya Sabha Starred Question No. 175, Dt. 16.03.2023. Ministry of Law and Justice Department of Justice, Government of India
- 4) Lok Sabha Unstarred Question No. 1526, Dt. 10.02.2023. Ministry of Women and Child Development, Government of India

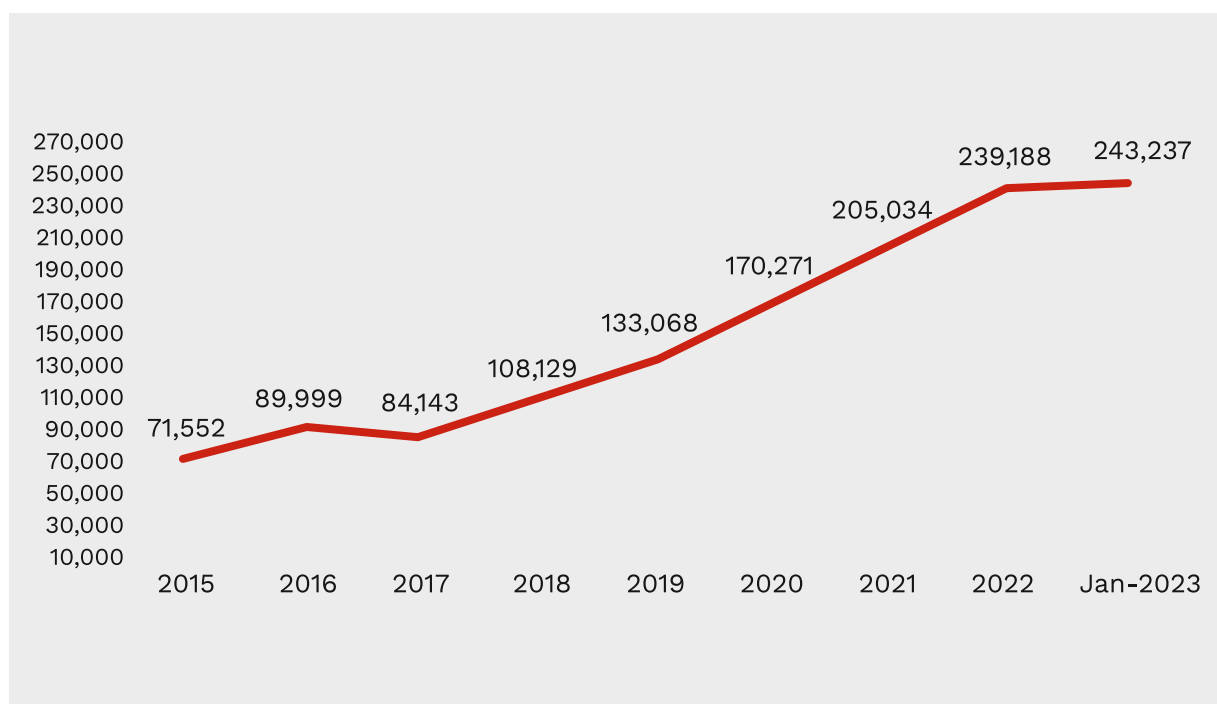
In addition to these, Crime in India reports published by the National Crime Records Bureau (NCRB), Ministry of Home Affairs, Govt. of India, for the years 2018 to 2022 are also referred for data and information.

Analysis

Mounting Pendency of POCSO Cases (2015-2022)

The number of cases pending for trial during 2016 increased by 26 percent from 2015 (increase from 71,552 in 2015 to 89,999 in 2016). The year 2017 is the only year wherein the cases pending trial were reduced. Since then, the number of cases pending trials has constantly been on the rise. The number of cases pending trials increased by 29 percent in 2018 over 2017 (from 84,143 in 2017 to 1,08,129 in 2018); at the end of 2019, it further increased by 23 percent to 1,33,068 cases pending trials at the end of the year. The number of pending cases increased to 1,70,271 in 2020 and 2,05,034 in 2021. The year 2022 saw a further 17 percent growth in the number of pending cases.(from 2,05,034 in 2021 to 2,39,188 in 2022). The latest data suggests that the total number of POCSO cases pending for trial in the country as of January 2023 was 2,43,237. In 2020-21 due to the outbreak of the COVID pandemic in the country and the lockdown to minimise the spread of the infection, the courts remained closed for a long time. Due to this, the disposal of cases was slowed down. Resultantly, by the beginning of 2023, the cases pending for trials under POCSO have exponentially increased by 83 percent since 2019 (increase from 1,33,088 to 2,43,237). State/UT level analysis is presented in Annexure 1.

Figure 3 Trend for POCSO cases pending trials at the end of a given year



Disposal of POCSO Cases by the Fast Track Special Courts

Given the mounting pendency of cases, the Government of India started implementing a centrally sponsored scheme in October 2019 for setting up 1023 Fast Track Special Courts (FTSCs) with 389 exclusive POCSO (ePOCSO) Courts across the country for time-bound trial and disposal of cases related to rape and POCSO Act.

In this paper, an attempt was made to understand the pattern of disposal of POCSO cases by the FTSCs. Through applications under the Right to Information Act (RTI Act), data was tried to be obtained in this regard from Government sources. However, no data was received on the disposal of POCSO cases by the FTSCs. Since the FTSCs are established for the speedy disposal of rape and POCSO cases, the case disposal pattern of crimes relating to IPC 376 and the POCSO Act in 2022 can be used as proxy indicators. According to the Crime in India 2022 report, a total of 46,628 cases of rape and POCSO were disposed of by the courts in 2022. Of which, 62 percent were POCSO cases.

Table 1 Rape and POCSO cases disposed off in 2021 by courts

	No. of cases	% Share of cases
Cases relating to Rape of women (>=18Yrs) under IPC 376	17,778	38.1%
Cases under POCSO Act	28,850	61.9%
Total cases relating to Rape and POCSO	46,628	100.0%

Recently (August 2023), the Ministry of Law and Justice, Govt. of India, presented data pertaining to the disposal of cases by FTSCs. The data reveals that till the end of June 2023, a total of 1.74 lakh cases, including 1.11 lakh POCSO cases, were disposed off by the FTSCs.¹¹ Comparison with earlier datasets suggests that the disposal of cases by FTSCs has increased substantially during 2022 and 2023. The FTSC scheme was launched in October 2019 and, until December 2020, 36,982 cases were disposed off by 609 FTSCs.¹² After a year, i.e., until December 2021, the cumulative number of disposals has increased to 73,627.¹³ During this period, 700

11. Lok Sabha Starred Question No. 338 Dt. 11th August 2023, Ministry of Law and Justice Department of Justice, Government of India

12. Lok Sabha Unstarred Question No. 1509 Dt. 10th February 2021, Ministry of Law and Justice Department of Justice, Government of India

13. Lok Sabha Starred Question No. 49 Dt. 4th February 2022, Ministry of Women and Child Development, Government of India

FTSCs were functional. The number of disposals increased to 1,24,000 by October 2022¹⁴ and further to 1,74,449 by June 2023.

Analysis of the latest data suggests that, on average, 57 cases are disposed off by each FTSC annually. With an average of 68 case disposals per annum, exclusive POCSO courts have a comparatively higher disposal rate.

Table 2 Average number of cases disposed off by the Fast Track Special Courts

Type of FTSC	No. of Functional Courts	No. of Cases Disposed off by these courts since inception (October 2019)	Average No. of cases disposed off annually by all functional FTSCs	Average No. of cases disposed off annually by each functional FTSC
FTSCs (excluding ePOCSO courts)	351	62,974	15,744	45
ePOCSO Courts	412	111,475	27,869	68
FTSCs (including ePOCSO courts)	763	174,449	43,612	57

As per the Administrative Guidelines for Implementation of the FTSC Scheme 2019, each FTSC was expected to dispose of 41–42 cases in each quarter and at least 165 cases in a year.¹⁵ The analysis of the data suggests that FTSCs are unable to achieve the set targets even after almost four years since the launch of the scheme. It is evident from Table 2 above that only one third of the annual target is being achieved in one year (57 cases against a target of 165). It implies either the targets set for the FTSCs were unrealistic and faulty, or the FTSCs are not functioning to their full strengths and/or throughout the year as per their mandate.

As per the Administrative Guidelines for Implementation of the FTSC scheme 2019, each FTSC was expected to dispose of 41-42 cases in each quarter and at least 165 cases in a year.¹⁶ The analysis of data suggests that FTSCs are unable to achieve the set targets even after three years of the launch of the scheme. It is evident from Table 2 above that the target set for six months or two quarters is getting achieved in one year. It implies either the targets set for the FTSCs were

14. Lok Sabha Unstarred Question No. 273 Dt. 8th December 2022, Ministry of Law and Justice Department of Justice, Government of India

15. Scheme on Fast Track Special Courts (FTSC) 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

16. Scheme on Fast Track Special Courts (FTSC) 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

unrealistic and faulty, or the FTSCs are not functioning to their full strengths and/or throughout the year as per their mandate.

Assuming that all POCSO cases disposed off in 2022 were a direct outcome of the FTSC scheme, designed for expeditious disposal of such cases, it can be inferred that 28,850 cases were disposed off by 1,023 FTSCs during the same year. Stated differently, each FTSC, on average, disposed off approximately 28 POCSO cases in 2022.

Financial Efficiency of Fast Track Special Courts

Following the initial one-year duration of the FTSC scheme, the Cabinet has opted to extend it for an additional two years. A total allocation of INR 1573 Cr. was earmarked for the financial years 2021-22 and 2022-23 in this regard. Estimates indicate that, on average, the allocated amount for the functioning of each FTSC in 2022 amounted to INR 76.87 lakhs.

Upon analysing the average allocation towards the functioning of FTSCs in 2022 in relation to the total number of POCSO cases disposed off during the year, it was observed that an average of INR 2.73 lakh was expended on the disposal of each case. Similarly, considering the total number of cases resulting in convictions during 2022, the average amount expended from the public exchequer on each POCSO case conviction was found to be INR 8.83 lakhs.

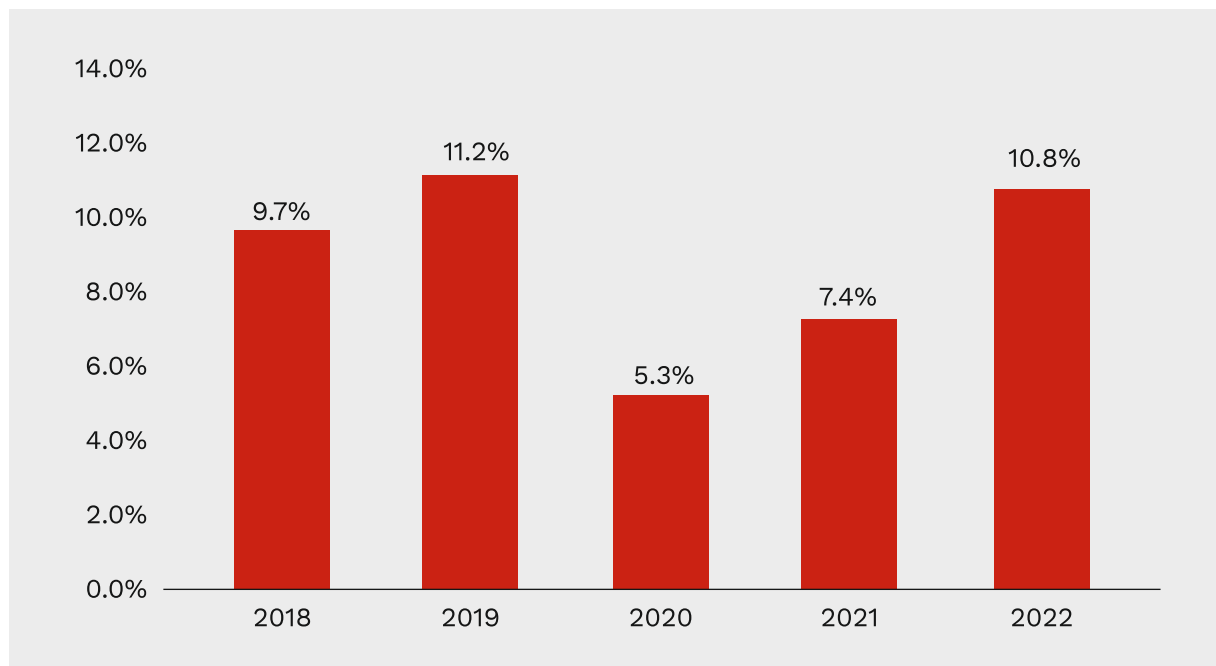
Table 3 Resource allocation in FTSCs for disposal of POCSO cases in 2022

Sl. No	Indicator	Value
i	Total No. of FTSCs sanctioned under the FTSC scheme	1,023
ii	Total amount allocated for continuation of FTSC scheme for 2 years (2021-22 & 2022-23) (in INR)	1572,86,00,000
iii (ii/2)	Average amount allocated for continuation of the scheme for 1 years (in INR)	786,43,00,000
iv	Total No. of POCSO cases disposed of during 2022	28,850
v	Total No. of POCSO cases which ended with conviction	8,909
vi (iii/i)	Average amount allocated per FTSC in 2022 (in INR)	76,87,488
vii (iii/iv)	Average amount spent on disposal of each POCSO case in 2022 (in INR)	2,72,593
viii (iii/v)	Average amount spent on conviction of each POCSO case in 2022 (in INR)	8,82,737

The Completion of Cases is Too Slow

The number of cases chargesheeted for a given year and the cases pending trial at the end of the preceding year constitute the total number of cases for trial in the given year. Figure 4 presents the percentage of cases disposed off by courts out of the total POCSO cases pending trial. Data reveals that in 2020 the percentage of cases disposed off vis-à-vis total pending trials has been the lowest in the last five years. Though the percentage of cases completed trial in 2022 is better than in 2021 but it is still lower than in 2019. In 2022 only 28,850 cases were disposed of out of 2,68,038 POCSO cases for trial. State/UT level analysis is presented in Annexure 2.

Figure 4 Percentage of cases disposed off by courts vis-à-vis cases pending for trials (2018-2022)



Assumptions Made for the Estimation of Number of Years to clear Pending POCSO Cases

An approximate number of years needed to complete the POCSO cases pending as of January 2023 in the country has been estimated in this paper. For estimation purposes, it was assumed that:

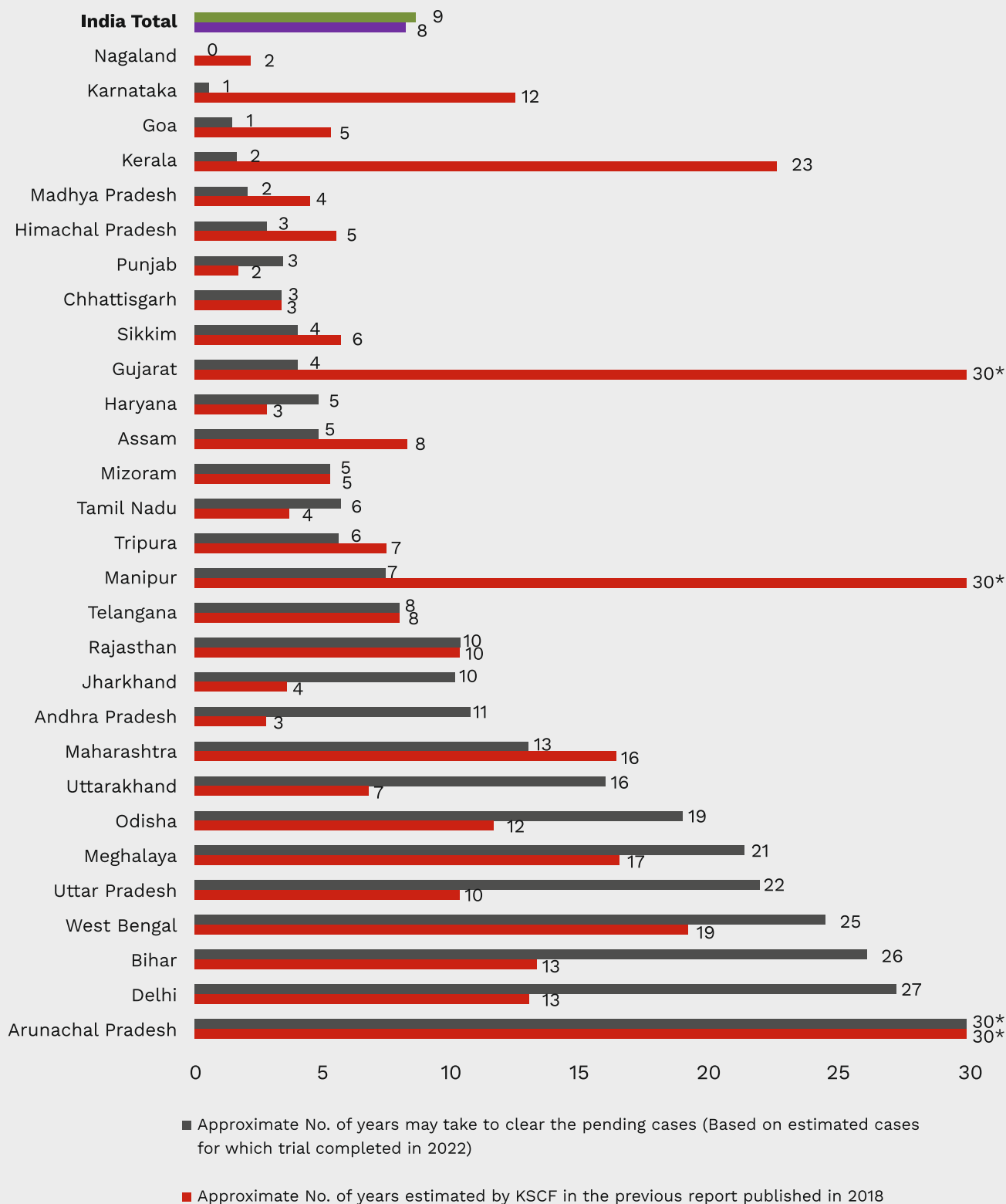
- (a) All functional FTSCs will continue till completion of these pending cases.
- (b) The percent share of POCSO cases disposed off by each State/UT in 2022 is expected to correspond to the percent share of total child-related cases disposed off by that State/UT out of the total child-related cases disposed off in the country during 2022.
- (c) No new cases are added to the backlog or sent for trial to the FTSCs.

Nine Years to Clear Backlogs at the National Level

Estimation suggests that India will take almost nine years, if no new case is added, to clear the backlog of cases pending under POCSO as of 31st January 2023. A similar type of estimation was made by the KSCF five years back in 2018. As per the previous estimation, the country was taking eight years to clear the backlog of 2016. A comparison between the two estimations suggests that the number of years required to clear the backlog of cases has increased in the last five years. Further, due to the year-on-year increase in the number of POCSO cases registered in the country since 2016 and the slow case disposal rate, the number of pending cases has also increased substantially since the last estimation. To complete these pending cases now, India needs nine more years.

At the State level, the number of years required to complete the pending cases as of January 2023 varies from one year in Karnataka and Goa to more than 25 years in Bihar, Delhi and Arunachal Pradesh. As per the estimation in 15 states/UTs out of 36, either the number of years required to clear the backlog of POCSO cases has increased or remained unchanged as compared to the previous estimations. The required number of years to clear the backlog in the remaining states has decreased.

Figure 5 Estimated number of years required to complete the trials of cases pending under POCSO as of January 2023



Note:*Pending cases will take more than 30 years to complete

Comprehensive Timeline as per POCSO 2012

S.No.	Particulars	Timeline	Legal Provision
Registration of F.I.R			
1.	Registration of First Information Report u/s 154 Cr.P.C: a) The FIR can be reported by any person (including child) b) It shall be recorded by the SJPU or Local Police Officer. c) Give a free copy to the informant. d) One copy of FIR should be sent to District Legal Services Authority and Special Court ¹⁷	Immediately	S. 19(1), S. 19(1) (a) & (b) of POCSO Act Rule 4 of POCSO
2.	SJPU/local police to inform the child/parent about their entitlements and services available to them as per Form-A	Immediately	Rule 4(14) of POCSO
Medical Examination, Counselling and Immediate care of child victim			
3.	a) The Medical Examination of the child shall be conducted as per S. 164A CrPC, notwithstanding that a FIR or complaint has not been registered. ¹⁸ b) In case the victim is a girl child, the Medical Examination shall be conducted by a woman doctor c) Such report shall be immediately forwarded to the magistrate who records the victim's statement u/s 164 CrPC.	Within 24 hours	S. 164A CrPC S. 27, POCSO S. 27 (2) POCSO
4.	Emergency medical care & first aid, free of cost to the victim.	Promptly	Rule 6 of POCSO, S. 357(C) CrPC
5.	Doctor to submit the report on the condition of the child to SJPU/Local Police	Within 24 hours	Rule 6 (5) of POCSO
6.	Inform child's parents/guardian of counselling services and right of child to legal advice.	--	Rule 3 (3) of POCSO
7.	Interim/immediate care & protection to child in need of care & protection by staying him/her overnight in children's home/shelter home/nearest hospital	Within 24 hours	S. 19(5) The Act

17. Khem Chand & Ors. Vs. State High Court of Delhi.

18. State of Karnataka by Nonavinakere Police Vs. Shivanna @ Tarkari Shivanna, SLP (CrL.) No. 5073/2011, The section 164-A Cr.P.C. imposes an obligation on the part of the IO to get the victim of rape medically examined within 24 hours.

Investigation			
8.	Investigation & filing of charge-sheet by the CWPO	Within 2 months	S. 173(1A) CrPC
9.	Handing forensic samples to the State Forensic Laboratory (SFSL)	Immediately	Rule 4(3)(d) POCSO
Recording of Statement u/s 164 and 161 Cr.P.C.			
10.	<p>Recording of Statement of Child Victim by Woman Police Officer</p> <p>Statement of child may be recorded through audio-video electronic means.</p> <p><i>Note: Taking into consideration guidelines issued by Delhi High Court¹⁹</i></p>	--	S. 24 POCSO r/w S. 161 Cr.P.C
11.	Taking Assistance of Translator/interpreter, if required.	--	S. 19(4) POCSO Act Rule 5 of POCSO
12.	<ul style="list-style-type: none"> Recording of Statement of Child Victim before magistrate u/s 164. The recording of the statement must be done in the presence of the parents/ guardian/ trusted person of the child The content of the statement recorded shall not be disclosed by IO The advocate of the accused cannot be present during recording 	Within 24 hours	<i>Attorney General vs. Shiv Kumar Yadav</i> ²⁰ S 25 POCSO Act
Trial in Special POCSO Courts			
13.	Legal representation to child	--	S. 40 POCSO Act
14.	After Cognizance trials to be completed.	1 year	S. 35(2) POCSO Act
15.	Disposal of Bail application. ²¹	3 – 7 days	S. 439 CrPC
16.	Child's testimony is taken u/s 118 of Indian Evidence Act, 1872 after taking cognizance	Within 30 days	S. 35(1) POCSO Act
17.	Producing the arrested person before the magistrate/Special Court	Within 24 hours of arrest	S. 57 CrPC

19. Virender vs. The state of NCT Delhi, CrL. A. No. 121/2008 Delhi High Court. The court laid down guidelines to be followed by the police, Magistrate, and court in sexual offences against children based the decisions of Apex court and High Courts.

20. Attorney General vs. Shiv Kumar Yadav, MANU/SC/0997/2015, the court directed that the statement of the victim in case of rape or sexual assault must be recorded u/s 164 CrPC within 24 hours of registration of FIR.

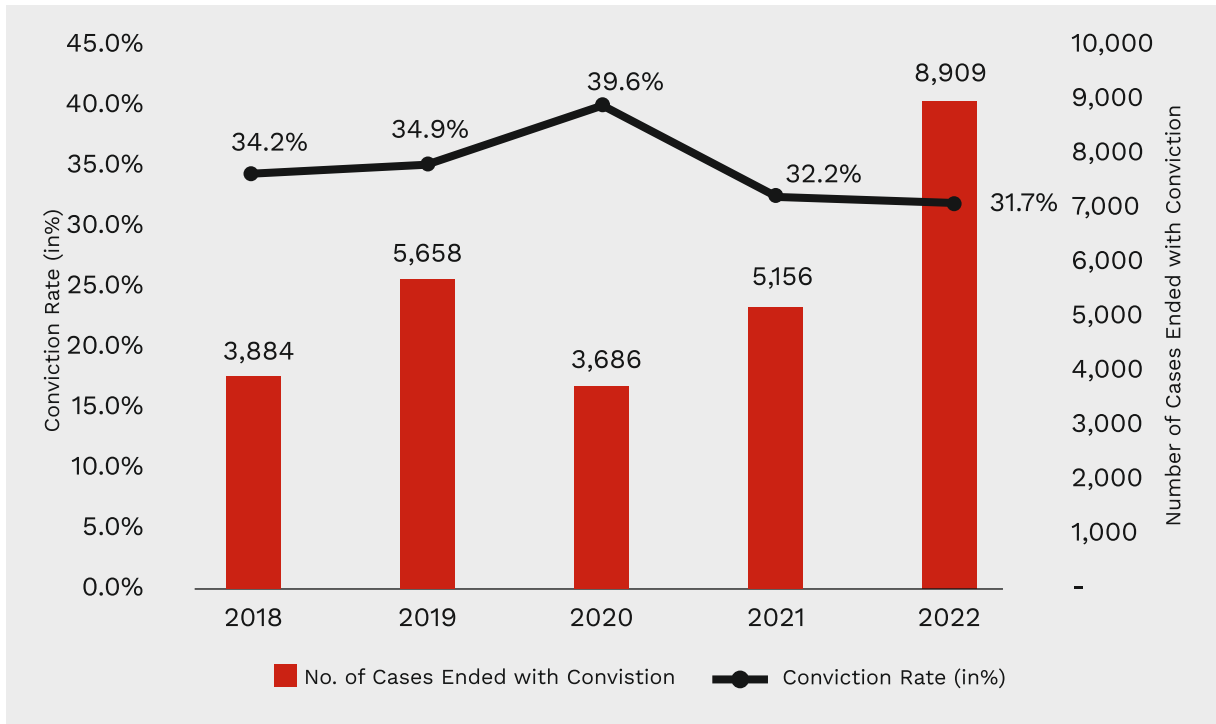
21. In Re: To issue certain guidelines regarding inadequacy and deficiency in criminal Trial vs. State of Andhra Pradesh and Ors., MANU/SCOR/14911/2021, The application for bail in non-bailable cases must ordinarily be disposed off within a period of 3 to 7 days from the date of first hearing

18.	Determination of quantum of compensation by Special Court	30 days	S. 33(8) POCSO Act/ Rule 9, of POCSO
19.	Disbursement of Compensation by state Government pays the compensation from Victim Compensation Fund or any other scheme established u/s 357A CrPC	30 days from the order of the court	Rule 9(5) POCSO
20.	Police/SJPU to inform the parent/support person/ other person in whom the child has trust and confidence about every development pertaining to: <ul style="list-style-type: none"> 1. Availability medical services 2. Procedures involved in criminal prosecution 3. Compensation 4. Arrest of offender, & filing of charge 5. Sentence imposed on offender 6. Bail, release or detention status of offender or suspected offender 7. Verdict 	Regularly	Rule 4(15) of POCSO
21.	Rehabilitation and Social Re-integration of child	--	Chapter VI of JJ Act, 2015

Convictions in POCSO Cases

With regard to the conviction rate, it is evident that conviction under POCSO has remained constant at around 35 percent during 2018 and 2019. In 2020, the conviction rate was increased to 40 percent, indicating a substantial increase in convictions under the POCSO Act. However, the same was dropped to 32 percent in 2021 and remained unchanged in 2022. In terms of absolute numbers, the highest number of cases that ended with conviction (8,909) was registered in 2022. The second-highest number of cases that ended with conviction (5,658) was in 2019.

Figure 6 Conviction rate under POCSO Act in the last four years (2018 – 2022)



An analysis of the state-wise figures indicates that the conviction rates under POCSO Act vary widely. Some states with high incidence rates under the POCSO like Uttar Pradesh and Rajasthan, have a higher conviction rate (64% and 42% in 2021 in Uttar Pradesh and Rajasthan, respectively), while their counterpart states with a high POCSO burden, like Madhya Pradesh and Maharashtra, have low conviction rates of 34 percent and 26 percent in 2021, respectively. In Andhra Pradesh, Odisha, Gujarat and Tamil Nadu, the conviction rate under POCSO recorded a steady decrease between 2019 to 2021.

Table 4 State wise conviction rate under POCSO in last three years

Sl. No.	State/UT	2019	2020	2021
1	Andhra Pradesh	16.2	9.0	7.8
2	Telangana	8.7	19.1	12.3
3	Odisha	25.6	15.7	13.6
4	Gujarat	17.9	16.4	15.8
5	Assam	26.8	11.6	16.3
6	West Bengal	19.5	14.2	17.9
7	Karnataka	18.9	10.6	19.1
8	Kerala	19.4	24.8	19.8
9	Tamil Nadu	25.4	23.6	20.8
10	Maharashtra	28.9	30.9	26.1
11	Haryana	30.7	26.3	29.0
12	Chhattisgarh	30.7	36.0	29.2
13	Punjab	31.3	37.8	30.2
14	Himachal Pradesh	0.0	0.0	33.3
15	Madhya Pradesh	30.1	37.2	33.5
16	Sikkim	40.0	47.8	37.3
17	Tripura	38.2	37.9	40.4
18	Rajasthan	60.3	81.6	42.1
19	Uttarakhand	90.2	71.4	53.2
20	Manipur	100.0	100.0	53.8
21	Jharkhand	56.2	66.2	57.5
22	Delhi	68.4	79.1	60.0
23	Uttar Pradesh	62.5	70.7	64.2
24	Bihar	67.7	56.9	69.3
25	Meghalaya	84.2	64.0	73.8
26	Nagaland	50.0	85.7	80.0
27	Mizoram	88.1	72.1	82.1
28	Arunachal Pradesh	-	-	100.0
29	Goa	-	-	-

Conclusions and Recommendations

The Protection of Children from Sexual Offences Act, 2012 is a landmark law that resulted from various civil society struggles and the Government of India's acknowledgement of the problem of child sexual abuse. It was enacted to deal especially with the staggering pendency in cases of rape and child sexual abuse. It has been repeatedly acknowledged that the large procedural gaps in the implementation of the act, lead to delays in justice delivery and challenges faced by the victims of child sexual abuse. However, the FTSCs, especially the ePOCSO courts created for speedy disposal of these long pending POCSO cases appear to be effective and likely to clear the backlog.

In order to ensure that the underlying objects and reasons enshrined under POCSO are achieved, and victims of child sexual abuse get justice in a timely and child friendly manner, the India Child Protection Fund (ICPF) recommends the following:

1. Creating more Courts

- i. As per the directives of the Honourable Supreme Court of India dt. 25 July 2019, for speedy disposal of POCSO cases, an exclusive POCSO (ePOCSO) court needs to be created in each district having more than 100 cases under the POCSO Act. Following the order, 389 districts across the country were identified for the creation of an ePOCSO court. This number was arrived at based on the pending POCSO cases in the country as of 2019, which was 1,33,068. As per the latest data, the number of pending POCSO cases has increased to 2,43,237. Hence, there is an urgent need to re-assess the situation at the district level and create new ePOCSO courts wherever needed.
- ii. Although the Union Cabinet has approved the continuation of 1023 Fast Track Special Courts (FTSCs) including 414 exclusive POCSO Courts, as a Centrally Sponsored Scheme (CSS) till 31.03.2026, considering the huge pendency and slow disposal rate, there is an urgent need to establish more number of FTSCs and extend the existing FTSCs at least for the next nine years (including the 3 years period for which an extension was granted by the Union Cabinet in November 2023) to clear the huge backlog.
- iii. Handling of child sexual abuse cases through the Fast Track Special Courts (FTSC), with clear mandates, physical infrastructures, sensitised and trained judicial officials and specialised stakeholders for child friendly and timebound justice delivery systems.

2. Creating guidelines for monitoring

- i. For the victim, the fight for justice does not end even after conviction at the lower court, and until such time as the appeal process is done, that fight continues. Hence, appeal/trial times must be defined to ensure speedy justice. Hence, policies should be framed in this regard, and time-bound frameworks must be made at the High Court and Supreme Court levels to monitor and expedite the disposal of pending POCSO cases.

- ii. In view of the fact that justice should be delivered to each and every child victim of sexual abuse, strict monitoring guidelines must be enforced. The decision taken by the judges or any law passed by the judiciary must have constitutional legitimacy. It should be the responsibility of higher courts to ensure this, as the Constitution of India provides 'control' over subordinate courts to the higher courts. Delays in justice delivery to POCSO victims need to be transparent and explained, and the enforcement of accountability of the lower courts should be the responsibility of the higher courts.

- iii. Prioritisation of cases according to the age of the victims should be ensured. The younger the child, the graver is the offence committed against them. Prioritisation of such cases will speed up the process of recovery for younger children and their family members from mental trauma and will be helpful in leading a normal life.

- iv. To facilitate the expeditious disposal of child sexual abuse cases, it is crucial to implement a systematic monitoring mechanism for tracking delays and the time taken at each stage of the trial process. This oversight is imperative to ensure timely justice delivery, identify potential bottlenecks, and institute necessary reforms to streamline the legal proceedings. Regular assessment and intervention in response to identified delays will contribute significantly to the prompt resolution of these sensitive cases.

- v. Oftentimes, it was found that authorities and stakeholders like the police, medical professionals, and counsellors are not fully aware of the POCSO case investigative steps and the lower courts seem unaware of trial procedures. To ensure speedy and timely disposal of cases, standardisation of investigation procedures and trial procedures needs to be done.

3. Ensuring exclusivity of personnel dealing with CSA cases

- i. In order to enhance the efficiency and speedy disposal of pending POCSO cases, it is recommended to establish exclusivity in the assignment of Judges, Public Prosecutors, Forensic Laboratories, and Police personnel, etc. dedicated to handling such cases. This

specialised allocation of resources will ensure a focused and informed approach, fostering expertise in dealing with the unique challenges posed by child sexual abuse cases.

- ii. Ensuring legal aid assistance and legal representation to all child victims of sexual abuse and rape through sensitised, specialised and experienced stakeholders such as medical officers, investigating officers, special public prosecutors and support persons, to enable the victims of child sexual abuse and their families to participate fully in the judicial procedures from reporting of the crime through the investigation and trial and finally the judgement.
- iii. Sensitising and training relevant officials and stakeholders, including medical officers, investigating officers and all law enforcement officers engaging with victims of child sexual abuse, special public prosecutors, judicial officers, support persons and lawyers of children, on all aspects of the POCSO Act, rights of the children and child friendly procedures, is a critical element for ensuring fair and time-bound trials under POSCO.

4. Ensuring compensation to victims for rehabilitation

- i. Ensuring holistic rehabilitation, including compensation, is a key mandate of the POCSO Act. Victims of child sexual abuse are entitled to both interim and final compensation, irrespective of the outcome of the case. As the POCSO Act acknowledges that a victim of child sexual abuse may require immediate financial assistance due to physical injury and/or mental trauma, it is imperative that both interim and final compensation, as part of the immediate needs for relief and rehabilitation, process be expedited.
- ii. The Fast Track Court dashboard available online provides information on the number of functional courts, the number of cases disposed of and the number of pending cases. However, it does not provide any information on the compensation amount released to the victims which is one of the most crucial aspects of rehabilitation. Hence, it is recommended that the FTSC dashboard should also provide information on compensations, both interim and final, provided to the victims of child sexual abuse and rape.
- iii. Creating an enabling ecosystem of healthcare services, both palliative and curative, including mental health support for victims of child sexual abuse and their families. This is essential for the recovery and rehabilitation of the victim of child sexual abuse, and to curb the re-victimisation and repeated traumas the child victims and their families face during the trials.

5. Ensuring victim testimony is taken at the earliest

- i. To expedite the speedy trial of POCSO cases, it is recommended to prioritise the prompt recording of the victim's testimony at the earliest available opportunity. This proactive measure will prevent undue influence and ensure the preservation of accurate and timely evidence, contributing significantly to the efficient and fair trial of such cases.

6. Awareness generation

- i. Finally, giving wide publicity to the Act as has been laid in the POCSO Act, and raising awareness on the issue of child sexual abuse will go a long way in creating an ecosystem that breaks the silence and taboo surrounding child sexual abuse, ensuring its reporting and justice. In the longer term, it would be a pivoting factor in reducing the prevalence of child sexual abuse in India.

Annexure 1 Percent cases completed against total No. of cases on trial during 2019 and 2020 by States and Uts

Sl. No.	State/UT	Total No. of Cases for trial			Total No of cases in which trial was completed			% Cases Completed out of the total cases		
		2019	2020	2021	2019	2020	2021	2019	2020	2021
1	Andhra Pradesh	1,656	2,063	2,398	114	200	103	7%	10%	4%
2	Arunachal Pradesh	52	70	102	-	-	6	0%	0%	6%
3	Assam	4,060	5,090	6,443	310	370	455	8%	7%	7%
4	Bihar	3,742	4,925	6,417	167	72	300	4%	1%	5%
5	Chhattisgarh	5,934	6,837	8,554	1,135	606	937	19%	9%	11%
6	Goa	2	7	8	-	-	-	0%	0%	0%
7	Gujarat	9,019	10,876	13,101	415	145	454	5%	1%	3%
8	Haryana	4,047	4,468	5,938	1,085	213	710	27%	5%	12%
9	Himachal Pradesh	55	63	72	1	1	6	2%	2%	8%
10	Jharkhand	1,216	1,606	2,035	192	208	187	16%	13%	9%
11	Karnataka	8,171	9,153	11,342	1,034	585	1,315	13%	6%	12%
12	Kerala	4,457	5,738	8,459	241	174	735	5%	3%	9%
13	Madhya Pradesh	12,675	15,235	19,645	2,998	1,430	2,885	24%	9%	15%
14	Maharashtra	28,365	31,557	36,973	2,558	1,027	2,094	9%	3%	6%
15	Manipur	194	242	315	5	1	15	3%	0%	5%
16	Meghalaya	1,102	1,246	1,524	115	88	70	10%	7%	5%
17	Mizoram	465	498	533	67	62	28	14%	12%	5%
18	Nagaland	63	76	99	2	7	5	3%	9%	5%
19	Odisha	4,927	6,884	9,021	129	223	413	3%	3%	5%
20	Punjab	885	1,290	1,864	279	136	350	32%	11%	19%
21	Rajasthan	3,455	3,313	3,339	303	371	206	9%	11%	6%
22	Sikkim	242	298	376	30	24	51	12%	8%	14%

Sl. No.	State/UT	Total No. of Cases for trial			Total No of cases in which trial was completed			% Cases Completed out of the total cases		
		2019	2020	2021	2019	2020	2021	2019	2020	2021
23	Tamil Nadu	6,759	8,071	10,666	1,160	778	1,127	17%	10%	11%
24	Telangana	5,008	5,859	7,735	1,202	592	907	24%	10%	12%
25	Tripura	742	792	894	93	33	62	13%	4%	7%
26	Uttar Pradesh	24,817	30,004	35,080	1,630	1,805	2,360	7%	6%	7%
27	Uttarakhand	970	1,484	2,106	102	50	79	11%	3%	4%
28	West Bengal	8,782	10,988	13,424	415	204	379	5%	2%	3%
29	A&N Islands	322	415	491	31	31	110	10%	7%	22%
30	Chandigarh	8	9	8	-	1	3	0%	11%	38%
31	D&N Haveli and Daman & Diu	98	111	135	30	22	37	31%	20%	27%
32	Delhi	9,459	10,073	11,560	1,053	92	71	11%	1%	1%
33	Jammu & Kashmir	102	248	493	6	6	15	6%	2%	3%
34	Ladakh	NA	1	1	NA	-	-	NA	0%	0%
35	Lakshadweep	28	32	48	2	3	2	7%	9%	4%
36	Puducherry	213	271	312	4	62	-	2%	23%	0%
India		152,092	179,893	221,511	16,908	9,622	16,477	11%	5%	7%

Annexure 2 Percent change (Increase or decrease) in pending cases over last year (2018-20) by States / Uts

Sl.No.	State/UT	Cases Pending Trial at the End of the Year			% Change in pending Cases over last year	
		2019	2020	2021	2020	2021
1	Andhra Pradesh	1,542	1,863	2,295	21%	23%
2	Arunachal Pradesh	52	70	96	35%	37%
3	Assam	3,750	4,720	5,988	26%	27%
4	Bihar	3,575	4,853	6,117	36%	26%
5	Chhattisgarh	4,799	6,231	7,617	30%	22%
6	Goa	2	7	8	250%	14%
7	Gujarat	8,604	10,731	12,647	25%	18%
8	Haryana	2,962	4,255	5,228	44%	23%
9	Himachal Pradesh	54	62	66	15%	6%
10	Jharkhand	1,024	1,398	1,848	37%	32%
11	Karnataka	7,137	8,568	10,027	20%	17%
12	Kerala	4,216	5,564	7,724	32%	39%
13	Madhya Pradesh	9,677	13,805	16,760	43%	21%
14	Maharashtra	25,807	30,530	34,879	18%	14%
15	Manipur	189	241	300	28%	24%
16	Meghalaya	987	1,158	1,454	17%	26%
17	Mizoram	398	436	505	10%	16%
18	Nagaland	61	69	94	13%	36%
19	Odisha	4,798	6,661	8,608	39%	29%
20	Punjab	606	1,154	1,514	90%	31%
21	Rajasthan	3,152	2,942	3,133	-7%	6%
22	Sikkim	212	274	325	29%	19%

Sl.No.	State/UT	Cases Pending Trial at the End of the Year			% Change in pending Cases over last year	
		2019	2020	2021	2020	2021
23	Tamil Nadu	5,599	7,293	9,539	30%	31%
24	Telangana	3,806	5,267	6,828	38%	30%
25	Tripura	649	759	832	17%	10%
26	Uttar Pradesh	23,187	28,199	32,720	22%	16%
27	Uttarakhand	868	1,434	2,027	65%	41%
28	West Bengal	8,367	10,784	13,045	29%	21%
29	A&N Islands	291	384	381	32%	-1%
30	Chandigarh	8	8	5	0%	-38%
31	D&N Haveli and Daman & Diu	68	89	98	31%	10%
32	Delhi	8,406	9,981	11,489	19%	15%
33	Jammu & Kashmir	96	242	478	152%	98%
34	Ladakh	NA	1	1	NA	0%
35	Lakshadweep	26	29	46	12%	59%
36	Puducherry	209	209	312	0%	49%
India		135,184	170,271	205,034	26%	20%

Annexures

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

LOK SABHA

STARRED QUESTION NO. *338

TO BE ANSWERED ON FRIDAY, THE 11th August 2023

OPERATIONAL FAST TRACK COURTS

*338. COL. RAJYAVARDHAN RATHORE:

Will the Minister of Law and Justice be pleased to state:

- (a) the details of recent data related to the project for setting up of Fast Track Courts (FTCs), the quick disposal of cases thereby and the average performance of the operational FTCs out of their total recommended number specifically in the State of Rajasthan and Chhattisgarh along with the reasons for delays, if any, in setting up of recommended and more number of FTCs therein;
- (b) the share of funds allocated to the States of Rajasthan and Chhattisgarh as envisaged in the recent Finance Commission;
- (c) the steps taken for setting up Nyaya Mitras in the said States and strict monitoring mechanism for time-bound disposal of cases by the FTCs to prevent backlog of cases;
- (d) the State-wise progress report of the Nyaya Bandhu programme under the Pro bono Legal Services scheme; and
- (e) the reasons for not setting up Live streaming mechanism in the High Courts in different States including Rajasthan and Chhattisgarh to bring more transparency in court proceedings?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS; AND MINISTER OF STATE IN THE MINISTRY OF CULTURE (SHRI ARJUN RAM MEGHWAL)

- (a) to (e) : A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) to (e) OF THE LOK SABHA STARRED QUESTION NO. 338 FOR THE 11th AUGUST 2023 REGARDING ‘OPERATIONAL FAST TRACK COURTS’

(a) & (b): **Fast Track Courts**

Setting up of Fast Track Courts (FTCs) and allocation of funds lies within the domain of the State Governments who set up such courts as per their need and resources, in consultation with the respective High Courts. The 14th Finance Commission (2015-2020) had recommended the setting up of 1800 FTCs for disposal of long pending cases pertaining to women, children, senior citizen, disabled persons, persons infected with terminal ailments etc. and property related cases pending for more than 5 years. It had urged State Governments to utilize enhanced fiscal space available through increased tax devolution (32% to 42%) for this purpose. As per information received from High Courts, there are 843 Fast Track Courts operational as on 30th June 2023.

The details of disposal of cases by these FTCs are as under:

2020	2021	2022	2023 (up to 30 th June, 2023)	Total
2,39,956	4,05,168	5,33,229	6,53,699	18,32,052

Information on funds allocated by the individual States from their State Budget for functioning of FTCs is not maintained centrally. The performance of the Fast Track Courts is monitored by the respective High Courts.

The status of FTCs operational in Rajasthan and Chhattisgarh is as under:

State	No. of FTCs operational	Number of cases disposed of				
		2020	2021	2022	2023 (up to 30 th June, 2023)	Total
Rajasthan	Nil	Nil	Nil	Nil	Nil	Nil
Chhattisgarh	23	2877	5324	4158	1519	13878

In addition to Fast Track Courts (FTCs), the Department of Justice is implementing a scheme for setting up 1023 Fast Track Special Courts (FTSCs) including 389 exclusive POCSO Courts for expeditious trial and disposal of cases related to rape and the POCSO Act. As per information received from High Courts, the number of

functional FTSCs State/UT-wise as on 30th June, 2023, is given in **Annexure-I** which includes 45 FTSCs including 30 ePOCSO courts for Rajasthan and 15 FTSCs including 11 ePOCSO courts for Chhattisgarh. Information regarding release of Central Share to Rajasthan and Chhattisgarh during 2020-21 to 2023-24 (up to June, 2023) is given in **Annexure-II**.

For efficient implementation of the scheme, the Department of Justice is conducting regular review meetings through Video Conferencing with the State Governments and High Court officials. Letters have been written by the Minister of Law & Justice to the Chief Ministers of the States/UTs and Chief Justices of High Courts for operationalization of the remaining FTSCs.

To ensure effective monitoring and data collection, a Dashboard has been created to gather detailed information and track the performance of the FTSCs. The performance of FTSCs is also a permanent item on the agenda of Inter-State Zonal Council Meetings.

(c) Nyaya Mitra

Department of Justice launched Nyaya Mitra programme in April, 2017 with the objective to reduce pendency of cases in the Courts. It aimed to facilitate disposal of 10 to 15 years old cases which included civil cases such as matrimonial, accident claim cases and also criminal cases pending in High Courts and Subordinate Courts. Since the introduction of Nyaya Mitra programme, a total of 39 Nyaya Mitras were positioned in various district courts of the States of Assam, Bihar, Maharashtra, Odisha, Rajasthan, Tripura, Uttar Pradesh and West Bengal. No Nyaya Mitra could be engaged during the year 2020-2021 due to closure of courts and social distancing protocols caused by Covid-19 pandemic.

In the financial year 2021-2022, the Nyaya Mitra program was reviewed and evaluated. Based on the recommendations and considering its implementation related issues, it was observed that Nyaya Mitra programme could not achieve its envisaged goal of facilitating disposal of old pending cases. Hence, it has been decided to not continue Nyaya Mitra programme during the financial year 2023-2024.

(d) Nyaya Bandhu

The Government launched Nyaya Bandhu (Pro Bono Legal Services) in the year 2017 with the overarching vision to advance the culture of pro bono. The Nyaya Bandhu service aims to connect the persons entitled for free legal aid under Section 12 of the Legal Services Authority Act, 1987. As on 31st July, 2023, 10298 Pro Bono advocates have registered for the scheme across the country through 27 States/UT Bar Councils. Data related to pro bono

advocates are maintained State Bar Council-wise (**Annexure- 'III'**). So far, 1882 beneficiaries have registered on the Nyaya Bandhu mobile application for availing the service of a pro bono lawyer (**Annexure- 'IV'**)

As part of the Nyaya Bandhu programme, Department of Justice initiated a new sub-module called Pro Bono Club Scheme in 2020. The Scheme aims to instill in young legal minds the culture of pro bono legal services. Since 2020, Pro Bono clubs have been constituted in 89 Law schools. There is a standard operating procedure (SOP) for conducting various activities under Pro Bono Clubs being run by these Law Schools. It broadly covers providing pro bono litigation assistance to lawyers, dedicating certain number of hours for the pro bono services throughout the year, conducting community legal awareness camps in the nearby villages, undertaking research and documentation work and promoting alternative dispute resolution mechanism etc.

(e) Live streaming of courtcases

Live streaming of court proceedings is an administrative matter which falls within the purview and domain of the judiciary and Central Government has no direct role in this matter. However, Live Streaming of court proceedings has been started in High Courts of Gujarat, Gauhati, Orissa, Karnataka, Jharkhand, Patna, Madhya Pradesh & Constitutional Bench of Hon'ble Supreme Court of India thus allowing lawyers, litigants and other related parties to join the proceedings virtually.

Annexure-I

**Statement as referred to in reply to part (a) of Lok Sabha Starred Question
No. 338 for answering on 11.08.2023 raised by COL. RAJYAVARDHAN
RATHORE, Hon'ble MP on 'Operational Fast Track Courts'**

State-wise details of Fast Track Special Courts (as on 30.06.2023)

Sl. No.	State/UT	Earmarked Courts		Functional Courts		Cumulative Disposal since the inception of the Scheme		
		FTSCs including ePOCSO	ePOCSO	FTSCs including ePOCSO	ePOCSO	FTSCs	ePOCSO	Total
1	Chhattisgarh	15	11	15	11	566	3053	3619
2	Gujarat	35	24	35	24	1680	6775	8455
3	Mizoram	3	1	3	1	98	34	132
4	Nagaland	1	0	1	0	48	3	51
5	Jharkhand	22	8	22	16	1702	3135	4837
6	Madhya Pradesh	67	26	67	57	2933	16484	19417
7	Manipur	2	0	2	0	96	0	96
8	Haryana	16	12	16	12	1125	3084	4209
9	Chandigarh	1	0	1	0	174	0	174
10	Rajasthan	45	26	45	30	3239	7290	10529
11	Tamil Nadu	14	14	14	14	0	5316	5316
12	Tripura	3	1	3	1	116	137	253
13	Uttar Pradesh	218	74	218	74	23783	21767	45550
14	Uttarakhand	4	4	4	0	1164	0	1164
15	Delhi	16	11	16	11	351	722	1073
16	Meghalaya	5	5	5	5	0	299	299
17	J&K	4	0	4	2	63	63	126
18	Punjab	12	2	12	3	1247	1521	2768
19	Himachal P	6	3	6	3	200	586	786
20	Karnataka	31	17	31	17	2114	4927	7041
21	Telangana	36	10	36	0	4182	2731	6913
22	Puducherry	0	0	1	1	0	0	0
23	Andhra Pradesh	18	8	16	16	0	2897	2897
24	Assam	27	15	17	17	0	3783	3783
25	Bihar	54	30	46	46	0	7835	7835
26	Goa	2	0	1	1	0	30	30
27	Kerala	56	14	53	14	9247	4142	13389
28	Maharashtra	138	30	34	13	5948	9207	15155
29	Odisha	45	22	39	23	2898	5654	8552
	TOTAL	1023	389	763	412	62974	111475	174449

Annexure-II

Statement as referred to in reply to part (b) of Lok Sabha Starred Question No. 338 for answering on 11.08.2023 raised by COL.RAJYAVARDHAN RATHORE, Hon'ble MP on 'Operational Fast Track Courts'

Amount released towards Fast Track Special Courts (FTSC)

(Rs. in Crore)

Sl.No.	States/UTs	Amount released in FY 2019-20	Amount released in FY 2020-21	Amount released in FY 2021-22	Amount released in FY 2022-23	Amount released in FY 2023-24 (up to June, 2023)
1.	Chhattisgarh	3.375	3.375	4.259	3.93	1.488375
2.	Rajasthan	5.85	14.4	19.745	11.895	13.83263

Annexure-III

Statement as referred to in reply to part (d) of Lok Sabha Starred Question No. 338 for answering on 11.08.2023 raised by COL.RAJYAVARDHAN RATHORE Hon'ble MP on 'Operational Fast Track Courts'		
A State/UT Bar Council-wise Statement containing number of advocates registered for Nyaya Bandhu scheme across the country		
(2017-2023)		
Sl.No.	State/UT Bar Councils	No. of Advocates
1	Andhra Pradesh	651
2	Assam, Nagaland, Mizoram, Arunachal Pradesh, Sikkim	264
3	Bihar	594
4	Chhattisgarh	340
5	Delhi	827
6	Gujarat	188
7	Himachal Pradesh	382
8	Jammu & Kashmir	144
9	Jharkhand	329
10	Karnataka	284
11	Kerala	147
12	Madhya Pradesh	608
13	Maharashtra & Goa	535
14	Manipur	55
15	Meghalaya	48
16	Odisha	283
17	Punjab & Haryana	1960
18	Rajasthan	1116

19	Tamil Nadu	369
20	Telangana	185
21	Tripura	6
22	Uttar Pradesh	651
23	Uttarakhand	154
24	West Bengal	157
25	Andaman & Nicobar Islands	15
26	Dadra & Nagar Haveli	1
27	Daman & Diu	5
	Grand Total	10298

Annexure-IV

Statement as referred to in reply to part (d) of Lok Sabha Starred Question No. 338 for answering on 11.08.2023 raised by COL.RAJYAVARDHAN RATHORE Hon'ble MP on 'Operational Fast Track Courts'

A State/UT- wise Statement containing number of beneficiaries registered for Nyaya Bandhu scheme across the country (2017-2023)

Sl. No.	States/UTs	No. of Beneficiaries
1	Andaman & Nicobar Islands	4
2	Andhra Pradesh	94
3	Assam	16
4	Bihar	95
5	Chandigarh	7
6	Chhattisgarh	23
7	Delhi	146
8	Goa	4
9	Gujarat	53
10	Haryana	54
11	Himachal Pradesh	8
12	Jammu & Kashmir	7
13	Jharkhand	43
14	Karnataka	77
15	Kerala	16
16	Madhya Pradesh	65
17	Maharashtra	352
18	Manipur	10
19	Odisha	113
20	Puducherry	1
21	Punjab	29
22	Rajasthan	56
23	Sikkim	3
24	Tamil Nadu	32
25	Telangana	87
26	Tripura	4
27	Uttar Pradesh	285
28	Uttarakhand	24
29	West Bengal	171
30	Nagaland	1
31	Mizoram	1
32	Arunachal Pradesh	0
33	Lakshadweep	0
34	Dadra & Nagar Haveli	0
35	Daman & Diu	0
36	Meghalaya	1
	Total	1882

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 2887
TO BE ANSWERED ON 17.3.2023

"CASES UNDER POCSO ACT"

2887: SHRI L.S. TEJASVI SURYA:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- a. The number of cases registered under the POCSO Act along with the number of cases under investigation/sub-judice during the last three years in the country, State-wise;
- b. The measures being taken by the Government to prevent such cases;
- c. The average time for the order or dismissal in such cases during the last three years; and
- d. The number of pending cases which are yet to come for trial and the measures taken to clear the pendency of the trials under the POCSO Act?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (d): As per the data received from National Crime Records Bureau, State/UT-wise Cases Registered (CR), Cases Charge sheeted (CCS), Cases Pending Investigation at the end of the year (CPIEY), Cases Sent for Trial (CST), Cases in which Trials Completed (CTC) and Cases Pending Trial at the end of the year (CPTEY) under The Protection of Children from Sexual Offences (POCSO) Act during 2019-2021 is at **Annexure-I**.

The Government of India has enacted the Protection of Children from Sexual Offences (POCSO) Act, 2012 to provide safeguards for children against sexual abuse. The Act defines a child as any person below the age of 18 years. The POCSO Act, 2012 provides for establishment of Special Courts for the purpose of ensuring speedy trial. The Act was amended in 2019 to introduce more stringent punishment including death penalty for committing sexual crimes on children, with a view to deter the perpetrators & prevent such crimes against children.

As per the information received from Department of Justice, the Fast Track Special Courts (FTSCs) Scheme was started to set up 1023 FTSCs for speedy disposal of rape and Protection of Children from Sexual Offences (POCSO) Act cases with effect from 2nd Oct 2019. As on 31/1/2023, 764 FTSCs, including 411 exclusive POCSO (e-POCSO) Courts are functional in 28 States/UTs, which have disposed more than 1,44,000 cases and more than 1,98,000 cases are still pending under these FTSCs.

Regular review meetings have been conducted by the Department of Justice to expedite the robust implementation of the scheme including establishment of remaining FTSCs.

State/UT-wise Cases Registered (CR), Cases Charged/heeted (CCS), Cases Pending Investigation at the end of the year (CPIEY), Cases Sent for Trial (CST), Cases in which Trials Completed (CTC) and Cases Pending Trial at the end of the year (CPTEY) under The Protection of Children from Sexual Offences (POCSO) Act during 2019-2021

SL	State/UT	2019						2020						2021					
		CR	CCS	CPIEY	CST	CTC	CPTEY	CR	CCS	CPIEY	CST	CTC	CPTEY	CR	CCS	CPIEY	CST	CTC	CPTEY
1	Andhra Pradesh	502	313	654	313	99	1542	454	521	529	521	200	1863	466	535	448	535	103	2295
2	Arunachal Pradesh	36	24	20	24	0	52	28	18	28	18	0	70	23	32	17	32	6	96
3	Assam	1779	1396	1321	1396	310	3750	1496	1340	1337	1340	370	4720	1926	1723	1236	1723	448	5988
4	Bihar	1540	1184	1505	1184	167	3575	1591	1350	1686	1350	72	4853	1571	1564	1548	1564	300	6117
5	Chhattisgarh	2027	2073	266	2073	1135	4799	2049	2038	272	2038	606	6231	2332	2323	265	2323	937	7617
6	Goa	0	0	0	0	0	2	5	5	0	5	0	7	2	1	1	1	0	8
7	Gujarat	2253	2072	170	2072	413	8604	2345	2272	133	2272	140	10731	2443	2390	91	2390	448	12647
8	Haryana	2074	1686	204	1686	1085	2962	1853	1506	185	1506	213	4255	2249	1683	333	1683	708	5228
9	Himachal Pradesh	12	8	11	8	1	54	5	9	7	9	1	62	13	10	10	10	6	66
10	Jharkhand	654	459	514	459	178	1024	938	582	724	582	207	1398	806	637	798	637	186	1848
11	Karnataka	2160	2021	495	2021	1007	7137	2104	2016	498	2016	573	8568	2813	2774	466	2774	1306	10027
12	Kerala	1283	1009	916	1009	206	4216	2163	1522	1527	1522	165	5564	2647	2752	1290	2752	706	7724
13	Madhya Pradesh	6123	5867	293	5867	2907	9677	5648	5558	338	5558	1297	13805	6070	5848	518	5848	2725	16760
14	Maharashtra	6558	6295	4269	6295	2441	25807	5687	5750	3980	5750	996	30530	6200	6443	3553	6443	2019	34879
15	Manipur	58	59	90	59	5	189	75	53	100	53	1	241	97	74	118	74	13	300
16	Meghalaya	219	255	306	255	114	987	328	259	336	259	75	1158	384	366	307	366	65	1454
17	Mizoram	79	78	6	78	67	398	105	100	10	100	61	436	104	97	13	97	28	505
18	Nagaland	12	12	2	12	2	61	18	15	5	15	7	69	31	30	6	30	5	94
19	Odisha	2036	1779	866	1779	129	4798	2202	2086	887	2086	223	6661	2498	2360	940	2360	413	8608
20	Punjab	389	319	315	319	278	606	720	684	304	684	135	1154	751	710	296	710	348	1514
21	Rajasthan	596	423	44	423	295	3152	244	161	61	161	370	2942	601	397	87	397	202	3133
22	Sikkim	91	88	8	88	30	212	98	86	18	86	23	274	100	102	15	102	51	325
23	Tamil Nadu	2396	2228	943	2228	1124	5599	3090	2472	1511	2472	745	7293	4465	3373	2532	3373	1086	9539
24	Telangana	1998	1724	1715	1724	1018	3806	2074	2053	1663	2053	533	5267	2698	2468	1840	2468	782	6828
25	Tripura	176	173	35	173	89	649	143	143	32	143	29	759	125	135	17	135	47	832
26	Uttar Pradesh	7594	6478	1734	6478	1602	23187	6898	6817	1133	6817	1805	28199	7129	6881	744	6881	2360	32720
27	Uttarakhand	369	384	151	384	102	868	573	616	79	616	49	1434	712	672	97	672	79	2027
28	West Bengal	2256	2531	645	2531	415	8367	2657	2621	633	2621	204	10784	2607	2640	569	2640	379	13045
	TOTAL STATE(S)	45270	40938	17498	40938	15219	126080	45591	42653	18016	42653	9100	159328	51863	49020	18155	49020	15756	192224
29	A&N Islands	94	87	6	87	31	291	118	124	0	124	31	384	108	107	1	107	109	381
30	Chandigarh	5	6	1	6	0	8	0	1	0	1	1	8	1	0	1	0	2	5
31	D&N Haveli and Daman & Diu+	54	54	12	54	30	68	42	43	11	43	22	89	53	50	13	50	37	98
32	Delhi	1719	1589	1490	1589	1050	8406	1197	1667	1004	1667	91	9981	1454	1579	869	1579	70	11489

33	Jammu & Kashmir*	109	79	26	79	6	96	200	153	52	153	6	242	294	251	54	251	13	478
34	Ladakh	-	-	-	-	-	-	0	0	0	0	0	1	0	0	0	0	0	1
35	Lakshadweep	25	11	17	11	2	26	8	6	19	6	3	29	14	19	13	19	2	46
36	Puducherry	48	45	41	45	4	209	65	62	41	62	62	209	87	103	24	103	0	312
	TOTAL UT(S)	2054	1871	1593	1871	1123	9104	1630	2056	1127	2056	216	10943	2011	2109	975	2109	233	12810
	TOTAL (ALL INDIA)	47324	42809	19091	42809	16342	135184	47221	44709	19143	44709	9316	170271	53874	51129	19130	51129	15989	205034

**GOVERNMENT OF INDIA
MINISTRY OF LAW & JUSTICE
DEPARTMENT OF JUSTICE**

RAJYA SABHA

STARRED QUESTION NO.*175

ANSWERED ON 16.03.2023

Delays in disposal of POCSO cases

***175. DR. L. HANUMANTHAIAH.**

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) Whether it is a fact that there is an insurmountable pendency of cases in POCSO courts since 2020;
- (b) If so, the details thereof and reasons for the considerable delay in disposal of POCSO cases;
- (c) The details of steps taken by Government to increase the number of exclusive POCSO courts to expedite disposal of such cases; and
- (d) The steps taken by Government to conduct virtual hearings in POCSO cases?

**ANSWER
MINISTER OF LAW & JUSTICE
(SHRI KIREN RIJJU)**

(a) to (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF THE RAJYA SABHA STARRED QUESTION NO. *175 FOR THE 16th MARCH, 2023 REGARDING 'DELAYS IN DISPOSAL OF POCSO CASES'

(a) & (b): The State/UT wise pending POCSO Act cases since 2020, as intimated by the National Crime Record Bureau (NCRB) and High Courts, is given at **Annexure**. The disposal of pending cases in the Courts including POCSO cases, lies exclusively within the domain of the judiciary. Pendency of court cases is a multi-faceted problem. Due to the increase in the population of the country and awareness of their rights amongst the public, filing of fresh cases is also increasing with leaps and bounds year after year. There are several reasons for large pendency of cases in the courts which, inter-alia, include paucity of judges and judicial officers, supporting court staff and physical infrastructure, frequent adjournments and lack of adequate arrangement to monitor, track and bunch cases for hearing, complexity of facts involved, nature of evidence, co-operation of stake holders viz. bar, investigation agencies, witnesses and litigants and proper application of rules and procedures. In case of pendency of criminal cases including POCSO Cases , the Criminal Justice System functions on assistance by various agencies viz. Police, Prosecution, Forensic Labs, Handwriting Experts and Medico-Legal Experts. Delay in providing assistance by allied agencies also causes delay in disposal of cases.

(c): The Government has taken several initiatives to provide suitable environment for expeditious disposal of cases by the judiciary. Central Government started the National Mission for Justice Delivery and Legal Reforms in August, 2011 with the twin objectives of increasing access by reducing delays and arrears in the system and enhancing accountability through structural changes and by setting performance standards and capacities. The Mission has been pursuing a coordinated approach for phased liquidation of arrears and pendency in judicial administration, which, inter-alia, involves better infrastructure for courts, including computerization, an increase in strength of subordinate judiciary, policy and legislative measures in the areas prone to excessive litigation, re-engineering of court procedure for quick disposal of cases and emphasis on human resource development. Further, the Central Government has enacted The Criminal Law (Amendment) Act, 2018 making the punishment for offences like rape more stringent by including death penalty for rape of a girl below the age of 12 years. The Act also, inter-alia, mandates completion of investigation and trials within 2 months each. Hon'ble Supreme Court of India in Suo Moto 1/2019 dated 25.7.2019 directed "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". 389 districts were identified across the Country where more than 100 POCSO Act cases were pending as on 30.06.2019. Accordingly, in pursuance to the Criminal Law (Amendment) Act 2018, Union of India Started a Centrally Sponsored Scheme in October 2019 for

setting up of 1023 Fast Track Special Court (FTSC) out of which 389 exclusive POCSO (e-POCSO) Courts were earmarked for expeditious disposal of cases related to Rape and POCSO Act. The Central Share of the Scheme is funded from Nirbhaya Fund. The scheme which was initially for one year, has been extended up to 31.03.2023. As per information provided by the High Courts, 764 FTSCs with 411 e- POCSO Courts are functional in 28 States/UTs. The e-POCSO Courts have disposed 92,226 cases while 1,30,966 cases are still pending in these e-POCSO Courts as on 31st January, 2023. For further extension of the scheme beyond 31.03.2023 a Third Party Evaluation by Indian Institute of Public Administration (IIPA) has been undertaken which has inter-alia recommended for continuation of the scheme.

(d): Under eCourts Phase-II, Government of India has released Rs.111.29 Crore for installation of Video Conferencing equipment in courts and jails. VC facilities have been provided to 3240 court complexes and 1272 jails. One video conference equipment each has been provided to all Court Complexes including taluk level courts and additionally funds have been sanctioned for additional VC equipment for 14,443 court rooms. All VC facilities are available for POCSO courts also. To bring about uniformity and standardization in the conduct of VC, an overarching order was passed by the Hon'ble Supreme Court of India on 6th April 2020 which gave legal sanctity and validity to the court hearings done through VC. Further, VC

rules were framed by a 5-judge committee which was circulated to all the High Courts for adoption after local contextualization.

Annexure for reply to Rajya Sabha Starred Question No. 175 for answer on 16.03.2023

Details of Pending POCSO Cases

S.No	State/UTs	December 2020	December 2021	December 2022	January 2023
1.	Andhra Pradesh	1863	2295	7245	8137
2.	A & N island	384	381	0	0
3.	Arunachal Pradesh	70	96	318	395
4.	Assam	4720	5988	6908	6875
5.	Bihar	4853	6117	15585	15594
6.	Chandigarh	8	5	158	158
7.	Chhattisgarh	6231	7617	5452	5332
8.	D&N Haveli	NA	NA	43	39
9.	Delhi	9981	11489	9115	9108
10.	Diu & Daman	89	98	43	44
11.	Goa	7	8	63	62
12.	Gujarat	10731	12647	7846	3043
13.	Haryana	4255	5228	4776	4688
14.	Himachal Pradesh	62	66	426	417
15.	Jammu & Kashmir	242	478	653	644
16.	Jharkhand	1398	1848	4403	4408
17.	Karnataka	8568	10027	1027	919
18.	Kerala	5564	7724	3428	3381
19.	Ladakh	1	1	4	4
20.	Lakshadweep	29	46	0	0
21.	Madhya Pradesh	13805	16760	10474	10066
22.	Maharashtra	30530	34879	32988	33072
23.	Manipur	241	300	100	103
24.	Meghalaya	1158	1454	1511	1531
25.	Mizoram	436	505	275	276
26.	Nagaland	69	94	0	0
27.	Odisha	6661	8608	11952	11940
28.	Puducherry	209	312	245	244
29.	Punjab	1154	1514	2308	2250
30.	Rajasthan	2942	3133	8780	8921
31.	Sikkim	274	325	284	284
32.	Tamil Nadu	7293	9539	9610	9753
33.	Telangana	5267	6828	10589	10605
34.	Tripura	759	832	397	406
35.	Uttar Pradesh	28199	32720	67615	67153
36.	Uttarakhand	1434	2027	1214	1221
37.	West Bengal	10784	13045	21931	22164
Total		170271	205034	247766	243237

NA-Not Available

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO. 1526
TO BE ANSWERED ON 10.02.2023

ACQUITTAL UNDER POCSO ACT

1526. SHRI VENKATESH NETHA BORLAKUNTA:
DR. G. RANJITH REDDY::

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

- (a) The details of offences committed under POCSO Act since 2014, State-wise and year-wise;
- (b) Whether it is true that acquittal under POCSO Act is high and the conviction has never crossed 38 per cent since 2014;
- (c) If so, the reasons therefor; and
- (d) The remedial measures proposed to be taken by the Government to increase the conviction rate?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (c): As per the data received from National Crime Records Bureau, State/UT-wise Cases Registered (CR), Cases Chargesheeted (CCS), Cases Convicted (CON), Cases Acquitted (CAQ), Conviction Rate (CVR), Persons Arrested (PAR), Persons Chargesheeted (PCS), Persons Convicted (PCV) and Persons Acquitted (PAQ) under Total Protection of Children from Sexual Offences Act during 2014-2021 is at **Annexure-I.**

(d): The Government of India has enacted the Protection of Children from Sexual Offences (POCSO) Act, 2012 to provide safeguards for children against sexual abuse. The act defines a child as any person below the age of 18 years. The POCSO Act 2012 provides for establishment of Special Courts for the purpose of ensuring speedy trial. The Act was amended in 2019 to introduce more stringent punishment including death penalty for committing sexual crimes on children, with a view to deter the perpetrators & prevent such crimes against children

Further as per the information received from Department of Justice, to bring more stringent provisions and expeditious trial and disposal of such cases, the Central Government has enacted "The Criminal Law (Amendment) Act, 2018" which led to the establishment of the Fast Track Special Courts (FTSCs). The FTSC Scheme was started to set up 1023 Fast Track Special Courts for speedy disposal of rape and Protection of Children from Sexual Offences Act (POCSO) Act cases with effect from

2nd Oct 2019. The Scheme was for a period of one year spread over two Financial Years 2019-20 and 2020-21. However, Cabinet has approved the continuation of the scheme for further 2 years, up to March 2023. As on 31/12/2022, 768 FTSCs including 418 exclusive POCSO Courts are functional in 28 States/UTs which have disposed more than 137000 cases and more than 198000 cases still pending under these FTSCs.

As informed by Department of Justice, the Third Party Evaluation of the Scheme was undertaken by National Productivity Council (NPC) which submitted its report in December 2020. It was observed in the report that 5.54% of regular court cases, 7.21 % of FTSCs cases and 17.64% of exclusive POCSO cases reported conviction.

STATEMENT REFERRED TO IN PART (A) – (C) OF REPLY TO LOK SABHA UNSTARRED QUESTION NO. 1526 TO BE ANSWERED ON 10.02.2023 ASKED BY SHRI VENKATESH NETHA BORLAKUNTA:DR. G. RANJITH REDDY INDICATING STATE/UT-WISE CASES REGISTERED (CR), CASES CHARGESHEETED (CCS), CASES CONVICTED (CON), CASES ACQUITTED (CAQ), CONVICTION RATE (CVR), PERSONS ARRESTED (PAR), PERSONS CHARGESHEETED (PCS), PERSONS CONVICTED (PCV) AND PERSONS ACQUITTED (PAQ) UNDER TOTAL PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACTD DURING 2014-2021

SL	State/UT	2014										2015									
		CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ	CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ		
1	Andhra Pradesh	932	601	29	261	10.0	1163	792	29	341	1054	772	78	388	16.7	1233	980	85	489		
2	Arunachal Pradesh	56	51	1	1	50.0	57	62	1	1	54	38	0	0	-	63	48	0	0		
3	Assam	506	223	8	12	40.0	489	223	8	12	819	453	15	25	37.5	802	453	15	25		
4	Bihar	191	188	17	55	23.6	228	231	22	66	187	142	22	30	42.3	187	161	24	31		
5	Chhattisgarh	1684	1608	191	357	34.9	1804	1812	263	417	1656	1606	524	563	48.2	2085	2047	562	566		
6	Goa	107	76	3	5	37.5	116	96	3	8	79	98	13	23	36.1	79	107	15	27		
7	Gujarat	613	527	5	40	11.1	779	705	5	52	1609	1317	8	51	13.6	1886	1801	8	67		
8	Haryana	707	631	103	432	19.3	826	794	119	559	988	800	137	314	30.4	1041	1035	149	423		
9	Himachal Pradesh	209	167	25	44	36.2	246	221	33	55	206	198	27	59	31.4	264	280	37	80		
10	Jharkhand	112	102	13	9	59.1	136	116	15	14	182	136	28	22	56.0	175	144	28	28		
11	Karnataka	1380	1073	27	104	20.6	1538	1282	29	130	1526	1266	32	202	13.7	1800	1516	32	268		
12	Kerala	1392	1136	48	93	34.0	1483	1356	51	100	1486	1265	83	121	40.7	1505	1460	100	136		
13	Madhya Pradesh	4995	4888	721	1484	32.7	5888	5862	848	1565	4624	4612	791	1845	30.0	5634	5675	944	2177		
14	Maharashtra	3926	3342	112	609	15.5	4623	4187	129	793	4816	3791	195	697	21.9	5589	4711	219	806		
15	Manipur	50	14	0	0	-	34	8	0	0	43	32	1	3	25.0	23	29	1	1		
16	Meghalaya	118	126	7	0	100.0	122	131	7	0	167	112	2	5	28.6	153	135	2	2		
17	Mizoram	165	127	37	4	90.2	140	101	38	3	169	189	101	13	88.6	171	190	102	13		
18	Nagaland	17	6	2	0	100.0	15	6	1	0	15	13	4	2	66.7	16	16	4	0		
19	Odisha	1126	909	14	90	13.5	1193	1129	16	101	1372	1202	39	250	13.5	1324	1282	40	284		
20	Punjab	652	493	114	176	39.3	763	604	121	198	666	506	169	271	38.4	769	677	207	324		
21	Rajasthan	1327	1020	133	242	35.5	1228	1217	152	259	1311	994	130	206	38.7	1210	1225	167	237		
22	Sikkim	70	56	19	10	65.5	66	56	3	18	55	50	16	13	55.2	55	52	16	13		
23	Tamil Nadu	1065	769	73	159	31.5	1158	893	65	187	1544	1268	133	257	34.1	1869	1530	143	274		
24	Telangana	924	657	35	197	15.1	1332	1061	35	217	1394	1092	39	372	9.5	1343	1225	42	443		
25	Tripura	245	174	9	31	22.5	228	206	11	63	133	136	12	36	25.0	141	173	14	42		
26	Uttar Pradesh	8009	6847	302	268	53.0	12753	10565	410	382	4541	4342	874	461	65.5	7469	6715	1241	688		
27	Uttarakhand	189	161	16	26	38.1	186	188	20	27	168	131	79	40	66.4	207	194	85	49		

28	West Bengal	1291	815	22	161	12.0	1062	967	22	235	1504	1816	21	85	19.8	1928	1858	22	117
	TOTAL STATE(S)	32058	26787	2086	4870	30.0	39656	34871	2456	5803	32368	28377	3573	6354	36.0	39021	35719	4304	7610
29	A&N Islands	29	22	4	3	57.1	34	27	4	4	39	37	0	0	-	38	37	0	0
30	Chandigarh	49	47	21	24	46.7	54	62	22	30	62	59	15	22	40.5	72	71	22	34
31	D&N Haveli and Daman & Diu+	3	3	1	2	33.3	4	4	1	2	20	15	0	1	0.0	21	18	0	2
32	Delhi	2240	1480	162	297	35.3	1917	1621	202	345	1936	1563	218	291	42.8	1847	1757	238	392
33	Jammu & Kashmir*	45	33	1	16	5.9	46	44	1	24	30	29	1	21	4.5	49	45	1	25
34	Ladakh					-													
35	Lakshadweep	1	1	0	0	-	3	3	0	0	1	0	0	0	-	1	0	0	0
36	Puducherry	24	20	0	0	-	18	21	0	0	49	33	2	0	100.0	41	36	2	0
	TOTAL UT(S)	2391	1606	189	342	35.6	2076	1782	230	405	2137	1736	236	335	41.3	2069	1964	263	453

SL	State/UT	2016										2017									
		CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ	CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ		
1	Andhra Pradesh	830	795	51	497	9.3	855	862	52	583	378	295	8	78	9.3	455	455	9	132		
2	Arunachal Pradesh	59	39	0	1	0.0	58	42	0	2	14	4	0	0	-	7	6	0	0		
3	Assam	821	511	43	79	35.2	824	512	43	79	1149	733	52	115	31.1	1356	1017	53	117		
4	Bihar	233	157	23	26	46.9	292	199	24	27	1356	809	34	35	49.3	1710	907	35	35		
5	Chhattisgarh	1570	1576	354	605	36.9	1778	1773	378	635	1676	1576	345	544	34.2	1890	1856	409	618		
6	Goa	75	56	13	42	23.6	82	60	13	48	0	0	0	0	-	0	0	0	0		
7	Gujarat	1408	1302	5	60	7.7	1677	1691	6	86	1697	1712	12	109	9.8	2333	2329	17	139		
8	Haryana	1020	844	94	357	20.8	1125	1035	130	428	1139	941	183	401	31.3	1258	1237	218	687		
9	Himachal Pradesh	205	177	25	83	23.1	255	234	31	113	8	12	1	0	100.0	14	12	1	0		
10	Jharkhand	348	222	17	68	20.0	363	244	17	68	385	230	17	27	37.8	339	270	25	36		
11	Karnataka	1565	1323	55	228	19.4	1641	1451	58	277	1956	1975	122	489	20.0	2600	2510	139	623		
12	Kerala	1848	1717	47	202	18.9	2671	2490	53	223	1169	892	33	69	32.0	1258	958	33	73		
13	Madhya Pradesh	4717	4591	641	1821	26.0	5678	5642	792	2226	1569	1510	284	448	31.4	2275	2014	492	588		
14	Maharashtra	4815	4291	250	804	23.7	5092	4983	279	960	5248	4507	498	1336	27.1	6991	5321	566	1563		
15	Manipur	43	39	1	8	11.1	28	23	1	0	29	32	3	0	100.0	23	34	4	0		
16	Meghalaya	151	116	28	6	82.4	153	126	28	6	242	151	5	1	83.3	269	207	5	1		
17	Mizoram	167	148	54	2	96.4	174	153	54	2	194	186	48	17	69.6	196	192	48	17		
18	Nagaland	27	25	6	5	54.5	27	27	9	3	41	37	9	4	64.3	45	37	16	4		
19	Odisha	1928	1566	38	293	11.5	1721	1661	48	328	249	436	11	204	5.1	454	454	11	205		
20	Punjab	596	401	94	198	32.2	659	441	98	207	489	384	60	195	23.5	528	543	79	251		
21	Rajasthan	1479	1196	151	235	39.1	1479	1478	168	242	1180	905	89	106	44.1	1164	1150	110	126		
22	Sikkim	92	75	9	8	52.9	100	84	9	8	87	93	19	10	65.5	124	115	23	10		
23	Tamil Nadu	1583	1249	199	535	27.1	1866	1480	214	622	1587	1642	154	630	19.6	2406	1992	180	779		
24	Telangana	1158	1023	25	290	7.9	1625	1354	32	327	1632	1061	31	270	10.3	1833	1355	38	354		
25	Tripura	156	129	24	31	43.6	165	133	25	40	139	132	19	24	44.2	192	162	21	29		
26	Uttar Pradesh	4954	4245	714	730	49.4	8452	6554	1003	1064	4895	4079	819	285	72.3	6303	6287	1796	525		
27	Uttarakhand	218	158	38	4	90.5	238	193	45	5	191	146	17	3	81.0	154	153	17	3		
28	West Bengal	2132	1494	48	177	21.3	1209	1303	48	188	2131	1723	39	178	18.0	1923	1924	41	233		
	TOTAL STATE(S)	34198	29465	3047	7395	29.2	40287	36228	3658	8797	30830	26203	2912	5578	33.0	38100	33497	4386	7148		
29	A&N Islands	49	35	1	4	20.0	51	38	0	0	65	75	1	22	4.2	80	93	1	29		
30	Chandigarh	51	41	19	23	45.2	61	55	19	27	3	2	0	1	0.0	3	2	0	1		
31	D&N Haveli and Daman & Diu+	21	19	2	5	28.6	25	24	2	5	17	9	3	10	23.1	15	15	3	10		
32	Delhi	1620	1258	156	216	41.9	1692	1443	179	261	1623	1714	104	113	46.2	2209	2002	110	125		
33	Jammu & Kashmir*	25	25	1	15	6.3	30	30	1	21	0	0	0	0	-	0	0	0	0		
34	Ladakh					-									-						
35	Lakshadweep	5	5	0	0	-	4	5	0	0	4	4	0	0	-	22	21	0	0		
36	Puducherry	53	43	0	0	-	46	49	0	0	66	56	0	0	-	59	62	0	0		
	TOTAL UT(S)	1824	1426	179	263	40.5	1909	1644	201	314	1778	1860	108	146	41.1	2388	2195	114	165		
	TOTAL (ALL INDIA)	36022	30891	3226	7658	29.6	42196	37872	3859	9111	32608	28063	3020	5724	33.2	40488	35692	4500	7313		

SL	State/UT	2018												2019											
		CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ	CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ						
1	Andhra Pradesh	361	338	6	87	6.5	574	472	9	178	502	313	16	82	16.2	645	589	20	124						
2	Arunachal Pradesh	24	23	1	1	50.0	26	24	1	1	36	24	0	0	-	40	27	0	0						
3	Assam	1721	1486	69	250	21.6	2140	1562	73	283	1779	1396	83	220	26.8	1890	1548	84	248						
4	Bihar	2094	1273	104	42	71.2	2017	1801	136	64	1540	1184	113	54	67.7	1837	1532	132	63						
5	Chhattisgarh	1812	1657	310	566	34.0	2190	2014	379	657	2027	2073	349	738	30.7	2513	2453	414	951						
6	Goa	2	2	0	0	-	2	2	0	0	0	0	0	0	-	0	0	0	0						
7	Gujarat	2154	2066	33	211	13.5	2783	2766	36	267	2253	2072	74	330	17.9	2773	2748	89	431						
8	Haryana	1924	1597	296	532	35.7	2129	2108	350	676	2074	1686	333	752	30.7	2189	2135	395	980						
9	Himachal Pradesh	28	23	0	3	0.0	45	43	0	3	12	8	0	1	0.0	7	9	0	1						
10	Jharkhand	615	391	38	85	29.5	543	452	41	89	654	459	100	77	56.2	638	530	104	86						
11	Karnataka	2036	2165	174	724	19.4	2739	2654	190	890	2160	2021	190	720	18.9	2665	2633	208	961						
12	Kerala	1153	964	77	136	36.0	1386	1095	84	144	1283	1009	40	165	19.4	1443	1097	42	171						
13	Madhya Pradesh	2445	2692	488	542	39.4	3256	3302	598	626	6123	5867	874	1576	30.1	7376	7454	1086	1858						
14	Maharashtra	6233	5269	525	1307	28.6	7909	6251	583	1555	6558	6295	706	1732	28.9	8723	7510	792	2105						
15	Manipur	43	26	4	0	100.0	42	28	4	0	58	59	5	0	100.0	59	74	5	0						
16	Meghalaya	266	174	16	6	59.3	249	197	16	6	219	255	96	13	84.2	309	287	96	14						
17	Mizoram	138	171	27	4	87.1	184	176	33	4	79	78	59	6	88.1	79	79	63	6						
18	Nagaland	9	13	9	0	81.8	15	14	9	0	12	12	1	1	50.0	14	13	1	1						
19	Odisha	1887	1468	24	104	18.8	1680	1709	24	111	2036	1779	33	96	25.6	2033	2124	33	109						
20	Punjab	411	354	82	150	35.3	455	441	105	198	389	319	87	191	31.3	484	375	121	244						
21	Rajasthan	488	396	102	96	45.5	510	503	119	124	596	423	178	74	60.3	548	543	216	107						
22	Sikkim	118	112	25	35	39.7	140	136	35	55	91	88	12	16	40.0	95	94	12	16						
23	Tamil Nadu	2039	2192	275	911	23.1	2767	2509	356	1062	2396	2228	286	838	25.4	3045	2553	318	916						
24	Telangana	1665	1376	69	481	12.5	2093	1792	72	517	1998	1724	89	929	8.7	2549	2139	108	1048						
25	Tripura	127	145	13	37	26.0	161	184	14	38	176	173	34	55	38.2	193	183	40	64						
26	Uttar Pradesh	5401	4401	780	373	63.5	7266	7147	1652	595	7594	6478	1002	466	62.5	9650	9377	1674	635						
27	Uttarakhand	337	213	24	11	66.7	239	234	28	14	369	384	92	9	90.2	452	451	111	22						
28	West Bengal	2267	2403	90	221	28.9	2430	2732	103	299	2256	2531	81	326	19.5	2530	3292	98	415						
	TOTAL STATE(S)	37798	33390	3661	6915	33.4	45970	42348	5050	8456	45270	40938	4933	9467	32.4	54779	51849	6262	11576						
29	A&N Islands	69	74	0	3	0.0	81	83	0	3	94	87	3	23	9.7	99	95	3	23						
30	Chandigarh	2	2	1	0	100.0	2	2	1	0	5	6	0	0	-	5	6	0	0						
31	D&N Haveli and Daman & Diu+	24	25	4	13	23.5	28	28	4	17	54	54	0	30	0.0	62	56	0	31						
32	Delhi	1839	1994	218	135	59.1	2584	2287	242	151	1719	1589	718	276	68.4	2269	1924	720	302						
33	Jammu & Kashmir*	32	24	0	0	-	35	34	0	0	109	79	0	5	0.0	101	98	0	6						
34	Ladakh					-									-										
35	Lakshadweep	7	7	0	0	-	7	7	0	0	25	11	0	2	0.0	27	13	0	4						
36	Puducherry	56	52	0	3	0.0	43	52	0	3	48	45	4	0	100.0	74	74	4	0						
	TOTAL UT(S)	2029	2178	223	154	56.7	2780	2493	247	174	2054	1871	725	336	64.6	2637	2266	727	366						
	TOTAL (ALL INDIA)	39827	35568	3884	7069	34.2	48750	44841	5297	8630	47324	42809	5658	9803	34.6	57416	54115	6989	11942						

SL	State/UT	2020										2021									
		CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ	CR	CCS	CON	CAQ	CVR	PAR	PCS	PCV	PAQ		
1	Andhra Pradesh	454	521	18	181	9.0	536	793	19	194	466	535	8	95	7.8	716	682	8	123		
2	Arunachal Pradesh	28	18	0	0	-	34	26	0	0	23	32	6	0	100.0	39	36	6	0		
3	Assam	1496	1340	43	327	11.6	2327	1610	43	367	1926	1723	73	374	16.3	2686	2040	77	472		
4	Bihar	1591	1350	41	31	56.9	1700	1533	46	40	1571	1564	208	92	69.3	1737	1767	236	119		
5	Chhattisgarh	2049	2038	218	330	36.0	2459	2417	245	438	2332	2323	274	639	29.2	2783	2755	319	748		
6	Goa	5	5	0	0	-	5	5	0	0	2	1	0	0	-	0	1	0	0		
7	Gujarat	2345	2272	23	114	16.4	2985	2959	27	148	2443	2390	71	376	15.8	2978	2971	79	490		
8	Haryana	1853	1506	56	157	26.3	1928	1900	67	204	2249	1683	205	503	29.0	2311	2192	238	695		
9	Himachal Pradesh	5	9	0	1	0.0	11	14	0	1	13	10	2	4	33.3	20	18	2	8		
10	Jharkhand	938	582	137	54	66.2	723	673	152	60	806	637	107	78	57.5	689	736	119	84		
11	Karnataka	2104	2016	61	511	10.6	2527	2507	69	672	2813	2774	249	1056	19.1	3686	3463	259	1304		
12	Kerala	2163	1522	41	124	24.8	2303	1720	41	124	2647	2752	140	564	19.8	3281	3065	151	599		
13	Madhya Pradesh	5648	5558	482	566	37.2	6989	6964	568	741	6070	5848	914	1386	33.5	7068	7441	1120	1623		
14	Maharashtra	5687	5750	308	677	30.9	7596	6956	354	859	6200	6443	527	1485	26.1	8290	7395	598	1784		
15	Manipur	75	53	1	0	100.0	72	55	1	0	97	74	7	5	53.8	105	103	7	5		
16	Meghalaya	328	259	48	19	64.0	347	304	55	19	384	366	48	15	73.8	422	369	48	16		
17	Mizoram	105	100	44	16	72.1	108	104	44	16	104	97	23	5	82.1	99	98	26	5		
18	Nagaland	18	15	6	0	85.7	23	17	6	0	31	30	4	1	80.0	39	36	4	1		
19	Odisha	2202	2086	35	188	15.7	2379	2541	37	193	2498	2360	56	357	13.6	2647	2778	57	379		
20	Punjab	720	684	51	81	37.8	828	829	70	106	751	710	105	241	30.2	867	837	142	323		
21	Rajasthan	244	161	302	37	81.6	211	209	371	47	601	397	85	87	42.1	526	518	117	103		
22	Sikkim	98	86	11	11	47.8	102	91	11	13	100	102	19	30	37.3	111	109	19	31		
23	Tamil Nadu	3090	2472	176	541	23.6	3795	2840	260	651	4465	3373	226	858	20.8	5541	4046	258	1076		
24	Telangana	2074	2053	102	431	19.1	2789	2471	120	704	2698	2468	96	686	12.3	3138	2842	100	727		
25	Tripura	143	143	11	18	37.9	181	193	11	19	125	135	19	28	40.4	166	176	21	32		
26	Uttar Pradesh	6898	6817	1276	457	70.7	10248	9882	1708	656	7129	6881	1514	777	64.2	10468	9882	1958	1091		
27	Uttarakhand	573	616	35	14	71.4	675	674	39	21	712	672	42	36	53.2	801	819	42	36		
28	West Bengal	2657	2621	29	168	14.2	2568	3003	30	199	2607	2640	68	310	17.9	2778	3303	69	473		
	TOTAL STATE(S)	45591	42653	3555	5054	39.1	56449	53290	4394	6492	51863	49020	5096	10088	32.3	63992	60478	6080	12347		
29	A&N Islands	118	124	11	14	35.5	116	137	11	15	108	107	13	94	11.9	117	131	15	100		
30	Chandigarh	0	1	0	1	0.0	0	2	0	1	1	0	2	0	100.0	0	0	2	0		
31	D&N Haveli and Daman & Diu+	42	43	2	20	9.1	56	51	2	20	53	50	2	35	5.4	61	57	2	35		
32	Delhi	1197	1667	72	19	79.1	1994	1927	87	25	1454	1579	42	27	60.0	1952	1895	50	36		
33	Jammu & Kashmir	200	153	2	4	33.3	235	230	4	4	294	251	1	12	7.7	343	333	1	20		
34	Ladakh	0	0	0	0	-	0	0	0	0	0	0	0	0	-	0	0	0	0		
35	Lakshadweep	8	6	2	1	66.7	11	6	2	1	14	19	0	2	0.0	31	21	0	17		
36	Puducherry	65	62	42	20	67.7	141	120	42	20	87	103	0	0	-	169	111	0	0		
	TOTAL UT(S)	1630	2056	131	79	60.6	2553	2473	148	86	2011	2109	60	170	25.8	2673	2548	70	208		
	TOTAL (ALL INDIA)	47221	44709	3686	5133	39.6	59002	55763	4542	6578	53874	51129	5156	10258	32.2	66665	63026	6150	12555		

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