Fast Track Special Courts for Speedy disposal

Syllabus subtopic: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Prelims and Mains focus: about the scheme to set up fast track special courts for speedy disposal of cases; about POCSO Amendment Act, 2019

Context: Incidents of rape and gang rape of minor girls below age of twelve years and similar heinous crimes against women have shaken the conscience of the entire nation. Therefore, the offences of rape and gang rape of women and children require effective deterrence through fast and time bound completion of trial relating to sexual offences. To bring out more stringent provisions and expeditious trial and disposal of such cases, Union of India enacted the Criminal Law (Amendment) Act, 2018.

About the scheme of Fast track special courts

- The govt. has taken up work of setting up of Fast Track Special Courts (FTSCs) as a part of National Mission for Safety of Women (NMSW). Accordingly, the Central Government has started a Scheme for setting up of 1023 FTSCs across the country based on pendency of subject cases obtained from various High Courts (1,66,882 numbers as on 31.03.2018) for time bound trial and disposal of pending cases related to rape and POCSO Act.

- Further, in pursuance to the direction of Supreme Court of India in Suo Moto Writ Petition (Criminal) No.01/2019 dated 25.07.2019, out of 1023 FTSCs, 389 Courts have been proposed to be set up exclusively for POCSO Act related cases in Districts where pendency of such cases is more than 100.
The Scheme was circulated to all concerned State Governments/Union Territories Administrations in September, 2019. Shri Ravi Shankar Prasad, Union Minister of Law and Justice has written and appealed to all the Chief Ministers of States for opening these courts and for effective implementation of the Scheme which will act as strong deterrence against such crimes.

Out of total 31 States and UTs, so far, 24 have joined this scheme (Andhara Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, NCT of Delhi, Nagaland, Odisha, Punjab, Rajasthan, Tamil Nadu, Telangana, Tripura, UT of Chandigarh, Uttarakhand and Uttar Pradesh) for setting up of 792 numbers of FTSCs/including 354 exclusive POCSO courts. Efforts are constantly being made to obtain consent/willingness of remaining States/UTs.

Conclusion

The Department of Justice in the Government of India is constantly endeavoring to extend requisite assistance to the High Courts and State Governments in setting up of these Courts for prompt trial and disposal of cases to ensure safe and worth living environment especially to women and children in totality. 216 numbers of POCSO courts have already been operationalized in 12 States under the scheme.

About POCSO, 2012

The Protection of Children from Sexual Offences Act (POCSO Act) 2012 was formulated in order to effectively address sexual abuse and sexual exploitation of children.

It deals with sexual offences against persons below 18 years of age, who are deemed as children.

Protection of Children from Sexual Offences (Amendment) Act, 2019
**Key changes proposed:**

**Penetrative sexual assault:** The bill increases minimum punishment for this offence from 7 years to 10 years. It also provides for with imprisonment between 20 years to life, with fine if person commits penetrative sexual assault on child below age of 16 years.

**Aggravated penetrative sexual assault:** The Bill adds two more grounds to definition of aggravated penetrative sexual assault. These include: (i) assault resulting in death of child and (ii) assault committed during natural calamity or in any similar situations of violence. It also increases minimum punishment from 10 years to 20 years, and maximum punishment to death penalty.

**Aggravated sexual assault:** The Bill adds two more offences to definition of aggravated sexual assault. These include: (i) assault committed during natural calamity and (ii) administrating or help in administering any chemical substance or any hormone to child for the purpose of attaining early sexual maturity.

**Child Pornography:** The Bill defines child pornography as any visual depiction of sexually explicit conduct that involves child such as photograph, video, digital or even computer generated image indistinguishable from actual child. It also enhances punishments for certain offences related to child pornography.

**Storage of pornographic material:** It increases punishment for storage of pornographic material with imprisonment between three to five years, or fine, or both. In addition, it also adds two other offences for storage of pornographic material involving children. These include: (i) transmitting, displaying, distributing such material except for the purpose of reporting it and (ii) failing to destroy or delete or report pornographic material involving child.
Impact:

The amendment is expected to discourage the trend of child sexual abuse by acting as a deterrent due to strong penal provisions incorporated in the Act.

It intends to protect the interest of vulnerable children in times of distress and ensures their safety and dignity.

The amendment is aimed to establish clarity regarding the aspects of child abuse and punishment thereof.