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RAJYA SABHA

SEXUAL CRIME FAST-TRACKING JUSTICE

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SEXUAL CRIME FAST-TRACKING JUSTICE

INTRODUCTION

- The Union Cabinet recently approved the continuation of over 1000 Fast Track Special Courts (FTSCs) for the victims of sexual offences where they will surely get the faster delivery of justice for the severe crime, as a centrally sponsored scheme for another two years.
 - ▶ It includes 389 exclusive POCSO courts to speedy trials and provide straightway relief to minor girls who are victims of sexual crimes.
- Fast track courts were first recommended by the **11th Finance Commission** (FC) in 2000.
- It is said to be a major step to improve the justice system by making the quick judgement by the FTCs.
- Besides providing quick justice to the accursed victims, the FTC mechanism strengthens the deterrence framework for sexual offenders.
- The following brief aims to analyse the following aspects:
 - ▶ But how effective has this mechanism been in nearly two years of its existence?
 - ▶ How do we need to strengthen it further to ensure swift dispensation of justice?

EDITED EXCERPTS FROM THE DEBATE



What is in the extended plan?

- This latest approval is for the continuation of 1023 FTSCs including 389 exclusive POCSO Courts as a **Centrally Sponsored Scheme (CSS)**.
- **Extended duration:** From 01.04.2021 to 31.03.2023
- **Outlay:** Rs. 1572.86 crore
 - ▶ Rs.971.70 crore- Central Share
 - ▶ Rs.601.16 crore- State share
- **Funding:** Central Share is to be funded from Nirbhaya Fund. The Scheme was launched in 2019.
- The scheme, currently covering 28 States, is proposed to be expanded to cover all 31 states which are eligible to join the Scheme.
- It is supporting the efforts of State/UT Governments for providing time bound justice to victims of sexual offences including the remote and far-flung areas.
- The expected outcomes of the scheme are as follows:
 - ▶ Further the commitment of the Nation to champion the cause of safety and security of women and girl Child.
 - ▶ Reduce the number of pending cases of Rape & POCSO Act compared to earlier time.
 - ▶ Provide speedy access to justice to the victims of sexual crimes and act as a deterrent for sexual offenders.
 - ▶ Fast Tracking of these cases will declog the judicial system of the burden of case pendency



How the concept of Fast Track Courts originated?

- Incidents of rape of minor girls (below the age of twelve years) and women (below the age of sixteen years) have shaken the conscience of the entire nation.
- The occurrence of such incidents and prolonged trials of convicts had necessitated the creation of a **dedicated court machinery** which could expedite trials and provide immediate relief to the victims of sexual offences.
- To bring more rigid provisions and expeditious trial and disposal of such cases, the Central Government enacted "**The Criminal Law (Amendment) Act, 2018**" and made provision of stringent punishment including death penalty for culprits of rape.
- This led to the establishment of the **Fast Track Special Courts (FTSCs)**.



What are the major issues that ail FTCs?

- No specific legislation that governs their working and lays down the norms to be followed.

- Lack of technical resources
- These courts do not have regular staff or designated investigative officers



What kind of push does FTCs need?

- **Improving the human capacity:** For fast-track courts to be more effective, trials must be completed in a time-bound manner. For this, there is need to improve the human capacity of these courts with dedicated judges and competent staff while restructuring processes is needed.
- **Dedicated judges:** Fast-track courts must have dedicated judges so that cases can be heard on a regular basis.
- **Process engineering:** Certain time-consuming processes must be reengineered so as to make the system more efficient.
- **Clear mandate:** There should be a clear mandate for fast-track courts as is the practice in countries such as Spain and Liberia.

CONCLUSION

The current situation on women’s safety is worrisome in the country. Thus, there is need for speedy justice and it cannot be overemphasized.

VALUE ADDITION

What are Fast Track Courts?

- FTCs are the dedicated courts expected to ensure swift dispensation of justice. They have a better clearance rate as compared to the regular courts and hold speedy trails.
- They have been given this special status without any special powers and they follow the same procedure as normal courts under Procedural Laws.
- FTCs address different kinds of cases pertaining to-
 - ▶ crime against women
 - ▶ child trafficking under POCSO Act
 - ▶ crime against senior citizens
 - ▶ crime against the disabled
 - ▶ heinous crimes

Provisions for Children in the Constitution of India:

- The Constitution of India contains various provisions for the protection and welfare of the children. Articles 14, 15, 15(3), 19(1) (a), 21, 21(A), 23, 24, 39(e), 39(f) contains provisions for the protection, safety, security and well-being of all its people, including children.
- **Section 468 of CrPC:** It lays downtime limitations for filing a complaint after an offense has taken place.

- ▶ **Six months:** If the offense is punishable with a fine, then it needs to be reported within six months.
- ▶ **One year:** A crime carrying a term not exceeding one year has a period of limitation of a year.
- ▶ **One-three years:** If a crime is punishable between one and three years, then it has to be reported within three years, and for anything beyond a three-year jail term, there is no time restriction for reporting the crime.
- ◉ **Section 473 of CrPC:** It allows the court to take cognizance of an offense even after the expiry of the period of limitation provided it is in the “interest of justice” or when the “delay” in seeking redressal “has been properly explained.”

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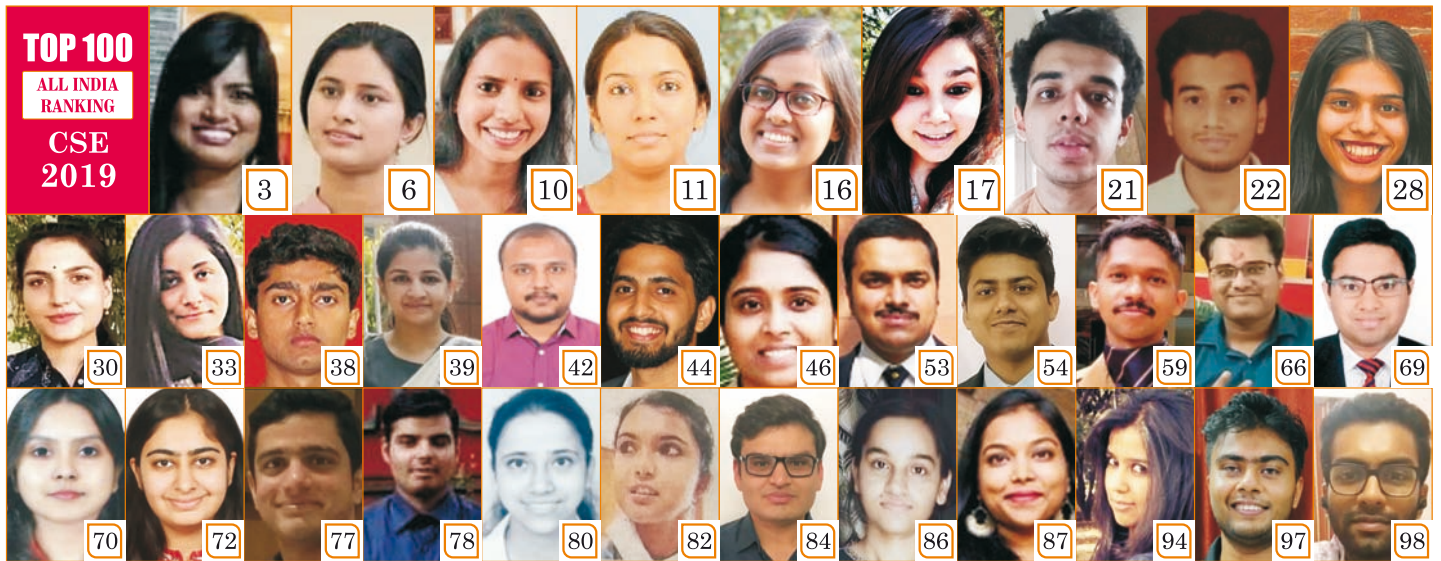
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