



# QUICK JUSTICE BY FAST TRACK COURTS WITH SPECIAL REFERENCE TO POCSO CASES: A MYTH OR REALITY

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## ABSTRACT

*In India, there is no shortage of legislative aids on paper to prevent crimes against women, particularly those under the age of twelve. The central government and several state governments have enthusiastically adopted Fast Track courts and an E-complaint system to deliver swift and quick justice to women. Moreover, the Union Cabinet approved the continuation of the centrally sponsored scheme for fast track special courts beyond 31 March 2023. Following this, 1023 fast-track special courts, including 389 exclusive POCSO courts, will get an extension. The Cabinet, chaired by Prime Minister Narendra Modi, approved the continuation of the scheme with an outlay of Rs. 1572.86 crore — Rs.971.70 crore as Centre's share and Rs.601.16 crore as states' share. The Central Share will be funded from Nirbhaya Fund. As of August 2023, 29 States and U.T. had 758 FTSCs operating, including 411 exclusive POCSO Courts, that had resolved over 1,88,000 ongoing cases. A total of Rs. 200.00 Cr. has been allotted for the fiscal year 2023–2024; of that, Rs. 100.37 Cr. has been issued as a central share of funds till August 31, 2023, to support the operations of such FTSCs in the States and Union Territories.*

*The Department of Justice has developed an online monitoring mechanism for the monthly tracking of case statistics in order to ensure the Scheme is implemented robustly. Frequent*

*This paper is a humble effort to understand the competence of fast track courts & e-complaint system in India to provide speedy justice. It discusses how fast Justice a boon and hurried justice a bane is. It also explores how can these existing legal aids be made more accessible and reap better results. It is concluded that, the distinction between desirable fast justice and undesirable hurried justice should be recognized. A holistic approach should be taken to improve India's Fast Track Courts.*

## 1. INTRODUCTION

It has been noted that India's long journey to justice accounts for a substantial portion of the country's low conviction rate. It is important to develop a sense of dread and moral obligation within the society for severe crimes like rapes where a strong mental element of the criminal is involved. To do this, justice must be delivered swiftly. The idea behind Fast Track Courts is based on the adage "justice delayed is justice denied."

The *Eleventh Finance Commission* established Fast Track courts in India in 2000. By the end of March 2005, the country was to have 1734 Fast Track Courts, according to the plan. During this period, a total of 1,734 FTC's was established across the country. In order to handle high-value commercial disputes, the Law Commission of India advocated creating a permanent fast-track commercial division at each High Court in its 188th report from 2003<sup>1</sup>. The Law Commission once more proposed in 2008 that FTCs be established as an ad hoc remedy to handle ongoing check bounce cases.<sup>2</sup> Most FTCs were shut down after the Union Government stopped supporting them in April 2011. The FTCs constituted during that time were founded without any support from legislation. Under the condition that they receive sole funding from State Governments, the Union Government permitted the States to continue implementing the FTC's system. As a result, a few FTCs continued to operate in various States.

In the case of *Brij Mohan v. Union of India*<sup>3</sup>, the Supreme Court did state, however, that "the scheme of fast track courts should continue for the next five years and should not be stranded suddenly." Up until 2010, the Fast Track Courts were still supported by the federal government; after that, state governments were free to decide how to proceed. The "**Nirbhaya**" case, which occurred in December 2012, sparked a widespread call for the criminal justice system to be changed, particularly in light of violence against women.<sup>4</sup> The *Verma Committee Report*<sup>5</sup> went on to underline how crucial swift justice was for maintaining the legitimacy and effectiveness of the legal system. The procedural law dealing to complaints, evidence, medical findings, and sensitising judges and prosecutors to the issues involved in such instances was also emphasised as being essential to the administration of justice. According to the Verma Committee's recommendations, the States were asked to establish new FTCs for hearing sexual assault cases. As a result, the newer FTC's were Specialized Courts to try sexual offences, whereas the older FTC's were Non-Specific Courts. The Criminal Law (Amendment) Act, 2018, also revised the IPC 1860, the CrPC 1973, the Indian Evidence Act 1872, and the POCSO Act 2012 to ensure a speedy trial and resolution of cases that are only related to sexual offences against women. The Union Government created the **Nirbhaya Fund** with the goal of creating 1,023 FTCs for the price of Rs. 767.25 crores.<sup>6</sup> The POCSO (Amendment) Act of 2019 and the Criminal Law (Amendment) Act of 2018 were afterwards introduced. The Supreme Court advised creating more Fast Track Courts to expedite the trial of rape and POCSO Act cases in order to effectively enforce the same. A minimum of 165 cases must be resolved by each of these Fast Track Courts each year.

Moreover, the Union Cabinet approved the continuation of the centrally sponsored scheme for fast track special courts till 31 March 2023. Following this, 1023 fast-track special courts, including 389 exclusive POCSO courts, will get an extension. The Cabinet, chaired by Prime Minister Narendra Modi, approved the continuation of the scheme with an outlay of Rs. 1572.86 crore — Rs.971.70 crore as Centre's share and Rs.601.16 crore as states' share. The Central Share will be funded from Nirbhaya Fund.<sup>7</sup>

<sup>1</sup> 188th Report, Law Commission of India, <https://www.scribd.com/document/308333106/Law-Commission-Report-No-188-The-Proposals-for-Constitution-of-Hi-Tech-Fast-Track-Commercial-Divisions-in-High-Courts>

<sup>2</sup> 213th Report of Law Commission, Indian Kanoon, , [https://indiankanoon.org/doc/72\\_803968/](https://indiankanoon.org/doc/72_803968/)

<sup>3</sup> (2002) 5 S.C.C. 615 (India).

<sup>4</sup> 2012 Delhi Gang Rape and Murder, News 18, (Mar. 18, 2021, 3:43 PM), <https://www.indiatoday.in/india/story/delhi-woman-gang-rape-ghaziabad-fir-register-accused-held-2287141-2022-10-19>

<sup>5</sup> Committee submitted its report on January 23, 2013.

<sup>6</sup> The Criminal Law (Amendment) Act 2018, Ministry of Home Affairs, (Mar. 18, 2021, 3:30 PM)

<sup>7</sup> <https://pib.gov.in/PressReleasePage.aspx?PRID=1742289>

## 2. SPEEDY JUSTICE AS A FUNDAMENTAL RIGHT OF THE ACCUSED AND THE AGGRIEVED

A speedy trial is an integral ingredient of justice. The European Convention on Human Rights guarantees everyone detained a fair trial within a reasonable amount of time, while the United States has recognised quick trial as a constitutional right. According to Article 21 of the Indian Constitution, a timely trial is regarded as a fundamental right in India. The right to swift justice was added to the definition of the rights to life and personal liberty. If the accused are innocent, the situation is in their advantage; if not, it is in the aggrieved party's favour.

*Hussainara Khatoon v. State of Bihar*<sup>8</sup> was the decision that pioneered the idea of a quick trial. According to the verdict, a person's personal liberty could only have been violated under just, fair, and reasonable legal procedure. The idea of prompt justice was recognised as a basic right under Article 21 in *Katar Singh v. State of Punjab*<sup>9</sup>. A delayed justice system robs the wronged of their right to justice and tortures the accused even before they are found guilty. In the case of *Sheela Barse v. Union of India*<sup>10</sup>, it was reaffirmed. According to the ruling in *Arun Kumar Ghosh v. State of Bengal*<sup>11</sup>, the mental tension and anxiety brought on by the drawn-out process for justice might be punishment in and of itself. A decision should be impartial, consider the arguments of all sides, and be sufficiently reasoned, according to the natural justice principles that guarantee fairness in action. "The notion of fairness should be in every activity, whether it is judicial, quasi-judicial, and administrative work," it was ruled in the case of *Mohinder Singh Gill vs. Chief Election Commissioner*<sup>12</sup>. Therefore, one must uphold these fundamental standards of fairness while providing swift justice. A fair trial may not be held in particular situations, such as those involving judicial corruption and malpractice. Thus, in the case of *Abdul Rehman Antulay v. R.S. Nayak*<sup>13</sup>, precise rules were established and it was decided that the character of the case should determine whether it should be quashed.

## 3. COMPETENCE OF FAST TRACK COURTS

In India, Fast Track Courts were established to speed up the adjudication of cases. Data, however, indicates that these special courts are not functioning as well as they might appear to on paper or in theory. 81 % of the 26,965 cases handled by fast-track courts in 2019 and 69 % of the 17,155 cases decided by POCSO courts required between one and 10 years to finish the trial, according to NCRB data.

### 3.1 Jurisdiction Of Fast Track Courts In India

Before going into the competence of these special courts it is very important to know the jurisdiction of these courts. The State Government-instituted FTCs have primary jurisdiction over sexual offences against women and children. These Courts have dealt with the following issues:

- Sections 375, 376, 376A, 376B, 376C, 376D, 376DA, 376DB, and Section 377 of the Indian Penal Code, which deal with crimes against women.
- The 2012 Protection of Children from Sexual Offences (POCSO) Act's Section 3-18 penalties for crimes against children.
- The FTC has handled cases under the Narcotic Drugs and Psychotropic Substances (NDPS) Act [(Sections 15-32 (Offenses and Penalties)] and

<sup>8</sup> *Hussainara Khatoon v. State of Bihar*, (1980) 1 S.C.C. 98.

<sup>9</sup> *Katar Singh v. State of Punjab*, (1994) 3 S.C.C. 569.

<sup>10</sup> *Sheela Barse v. Union of India*, (1986) 3 S.C.C. 632.

<sup>11</sup> *Arun Kumar Ghosh v. State of Bengal*, (1972) 3 S.C.C. 823.

<sup>12</sup> *Mohinder Singh Gill vs. Chief Election Commissioner*, (1978) 1 S.C.C. 405

<sup>13</sup> *Abdul Rehman Antulay v. R.S. Nayak*, (1992) 1 S.C.C. 225

- Motor Accident Claims Trials under the Motor Vehicles Act of 1988, Sections 165-176.

### 3.2 Data on Pendency, Disposal & Conviction under Fast Track Courts Cases

#### A. *Data on Pending Cases under Fast Track Courts:*

The table below shows the data regarding pendency of cases in different States and UT's as upto 31<sup>st</sup> May, 2023. <sup>14</sup> By analyzing the following data, it is quite clear that, Uttar Pradesh has the highest number of pending cases in fast track courts, there are 1221761 pending cases in the state. The U.P. has shown the significant increase in pendency of cases as upto 31<sup>st</sup> december, 2022 they had 1086490 pending cases , there is an increase of almost 2 lakh pending cases witin 4 months span. If we compare the total nationwide data, we see that as upto 31<sup>st</sup> December, 2022 number of pending cases were 1474669 and as on 31<sup>st</sup> May,2023 number of pending cases were 1578186 , there is an increase of almost 1 lakh pending cases witin 4 months span.<sup>15</sup>

S. No.	Name of State/UT	No. of cases pending trial under Fast Track Courts as on 31 <sup>st</sup> May,2023
1.	Andhra Pradesh	7200
2.	Telangana	0
3.	Arunachal Pradesh	181
4.	Assam	11518
5.	Bihar	0
6.	Chandigarh	0
7.	Chhattisgarh	5050
8.	Goa	2286
9.	Gujarat	6527
10.	Haryana	791
11.	Himachal Pradesh	226
12.	Jammu & Kashmir	1071
13.	Jharkhand	7916
14.	Karnataka	0
15.	Kerala	0
16.	Madhya Pradesh	0
17.	Maharashtra	137903
18.	Manipur	309
19.	Meghalaya	0
20.	Mizoram	219
21.	Nagaland	0
22.	NCT of Delhi	2788
23.	Odisha	0
24.	Punjab	225
25.	Rajasthan	0
26.	Tamil Nadu	92344
27.	Tripura	1417

<sup>14</sup> UNSTARRED QUESTION NO. 351, THE 21th July, 2023

<sup>15</sup> Ibid

28.	Uttarakhand	923
29.	Uttar Pradesh	1221761
30.	West Bengal	77517
31.	Puducherry	0
32.	Andaman & Nicobar	0
33.	Sikkim	14
<b>Total</b>		<b>1578186</b>

**Table no.1:** Data On Pending Cases under Fast Track Courts<sup>16</sup>**B. Data on disposal of Cases under Fast Track Courts:**

The table below shows the data regarding disposal of cases in different States and UT's as upto 31<sup>st</sup> May, 2023<sup>17</sup>. By analyzing the following data, it is quite clear that, Uttar Pradesh also has the highest number of disposed cases in fast track courts, there are 403331 disposed cases in the state. The U.P. has shown the increase in disposing rate of cases as upto 31<sup>st</sup> december, 2022 they had 333049 disposed cases, there is an increase of almost 8000 disposed cases within 4 months span. If we compare the total nationwide data, we see that as upto 31<sup>st</sup> December, 2022 number of disposed cases were 533229 and as on 31<sup>st</sup> May,2023 number of disposed cases were 550523 , there is an increase of almost 2 lakh disposed cases within 4 months span.<sup>18</sup>

S. No.	Name of State/UT	No. of cases disposed under Fast Track Courts as on 31 <sup>st</sup> May,2023
1.	Andhra Pradesh	1111
2.	Telangana	0
3.	Arunachal Pradesh	7
4.	Assam	3160
5.	Bihar	0
6.	Chandigarh	0
7.	Chhattisgarh	1519
8.	Goa	2789
9.	Gujarat	2652
10.	Haryana	235
11.	Himachal Pradesh	40
12.	Jammu & Kashmir	15
13.	Jharkhand	965
14.	Karnataka	0
15.	Kerala	0
16.	Madhya Pradesh	0
17.	Maharashtra	101446
18.	Manipur	121
19.	Meghalaya	0
20.	Mizoram	111

<sup>16</sup> Ibid<sup>17</sup> UNSTARRED QUESTION NO. 351, THE 21th July, 2023<sup>18</sup> Ibid

21.	Nagaland	0
22.	NCT of Delhi	400
23.	Odisha	0
24.	Punjab	115
25.	Rajasthan	0
26.	Tamil Nadu	10503
27.	Tripura	71
28.	Uttarakhand	166
29.	Uttar Pradesh	403331
30.	West Bengal	21761
31.	Puducherry	0
32.	Andaman & Nicobar	0
33.	Sikkim	5
<b>Total</b>		<b>550523</b>

**Table no.2:** Data On disposed Cases under Fast Track Court<sup>19</sup>

On comparing the data of Table 1 and Table 2, it can be seen that the rate of pendency is less than rate of disposing in last quarter, but still there is a significant gap of almost 10 lakh cases. This shows that the purpose for which these courts are established are not fully achieved.

*C. Status on Fast Track Court for POCSO and Rape cases as on 31<sup>st</sup> May, 2023:*

As of August 2023, 29 States and U.T. had 758 FTSCs operating, including 411 exclusive POCSO Courts, that had resolved over 1,88,000 ongoing cases. A total of Rs. 200.00 Cr. has been allotted for the fiscal year 2023–2024; of that, Rs. 100.37 Cr. has been issued as a central share of funds till August 31, 2023, to support the operations of such FTSCs in the States and Union Territories<sup>20</sup>. The data below shows that the statewide breakdown of POCSO and rape cases pending and disposed by FTCs till 31<sup>st</sup> May 2023. As of June 2023, the FTSCs have successfully disposed of more than 1.5 lakh cases related to rape and POCSO Act. As on May 2023, 758 FTSCs including 412 exclusive POCSO Courts are functional in 29 States / UTs.

<sup>19</sup> Ibid

<sup>20</sup> <https://doj.gov.in/fast-track-special-court-ftscs/>

Sl.No.	State/UT	Functional Courts		Cumulative Disposal since the inception of the Scheme			No. of cases pending at the end of the month			Cumulative Pendency
		FTSCs Including ePOCSO	ePOCSO	FTSCs	ePOCSO	Total	FTSCs Rape	POCSO	ePOCSO	

**FULLY FUNCTIONAL**

1	Chhattisgarh	15	11	547	2976	3523	107	400	1987	2494
2	Gujarat	35	24	1647	6598	8245	624	722	5181	6527
3	Mizoram	3	1	95	30	125	7	32	24	63
4	Nagaland	1	0	48	3	51	2	53	0	55
5	Jharkhand	22	16	1651	2997	4648	634	564	3158	4356
6	Madhya Pradesh	67	57	2865	15897	18762	2360	156	8806	11322
7	Manipur	2	0	95	0	95	12	106	0	118
8	Haryana	16	12	1117	3053	4170	291	726	2899	3916
9	Chandigarh	1	0	171	0	171	69	148	0	217
10	Rajasthan	45	30	3154	7126	10280	202	1198	5470	6870
11	Tamil Nadu	14	14	0	5178	5178	0	0	5036	5036
12	Tripura	3	1	108	125	233	151	45	106	302
13	Uttar Pradesh	218	74	23559	21429	44988	6422	24610	48758	79790
14	Uttarakhand	4	0	1138	0	1138	322	599	0	921
15	Delhi	16	11	347	702	1049	1218	0	3151	4369
16	Meghalaya	5	5	0	290	290	0	0	1013	1013
17	Jammu & Kashmir	4	2	63	63	126	188	0	252	440
18	Punjab	12	3	1238	1488	2726	426	613	511	1550
19	Himachal P	6	3	195	553	748	150	356	421	927
20	Karnataka	31	17	1890	4775	6665	2326	0	3008	5334
21	Telangana	36	0	4047	2731	6778	205	7864	0	8069
22	Puducherry	1	1	0	0	0	0	0	209	209

**PARTIALLY FUNCTIONAL**

23	Andhra Pradesh	16	16	0	2729	2729	0	0	7277	7277
24	Assam	17	17	0	3566	3566	0	0	4557	4557
25	Bihar	45	45	0	7533	7533	0	0	16013	16013
26	Goa	1	1	0	30	30	0	0	44	44
27	Kerala	53	14	8880	3990	12870	1066	4086	1775	6927
28	Maharashtra	30	14	5439	8887	14326	688	2497	2632	5817
29	Odisha	39	23	2827	5472	8299	770	2570	7924	11264

**NON FUNCTIONAL**

30	West Bengal	0	0	0	0	0	0	0	0	0
31	A&N Islands	0	0	0	0	0	0	0	0	0
32	Arunachal Pradesh	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>		<b>758</b>	<b>412</b>	<b>61121</b>	<b>108221</b>	<b>169342</b>	<b>18240</b>	<b>47345</b>	<b>130212</b>	<b>195797</b>

All this data shows that the purpose for which these courts were established has not been fully achieved, there is a large number of backlogs in investigation, disposal rate and conviction rate in POCSO cases. FTCs have been less successful in disposing cases in greater numbers. Less cases have been successfully resolved by FTCs. One of the reasons for this could be that these courts lack the resources necessary to hear and resolve a significant number of rape and sexual assault cases. Additionally, the majority of the special fast track courts lack a dedicated courtroom, which reduces the amount of time judges may devote to the cases sent to these courts. So, it would not be wrong to say that the scheme of Fast Track Courts on paper looks like it's working but when we see this in reality it seems to have been lacking in providing swift justice.

Even in the case of *Babu Singh v. State of U.P.*<sup>21</sup>, The community as a whole is concerned with the criminal being punished within a fair amount of time and the innocent being exonerated from the excessive torture of criminal processes, Justice Krishna Iyer noted, therefore speedy justice is a component of social justice. The justice of the decision made can also be used to gauge how effective Fast Track Courts are. As a result of the unsatisfactory outcome, it has been noticed that the majority of cases heard by Fast Track Courts are eventually appealed to higher courts. A second instance of innocent people being falsely accused in order to rapidly end a case is also seen. It should be underlined that speedy justice is a huge comfort for victims and those who have been falsely accused, but hasty justice will undermine these advantages.

### **3.3 Major reasons for shortcomings of Fast Track Courts:**

- Despite being constituted as special courts, Fast Track Courts do not have any unique authority. It is not possible for a Fast Track Court to follow every procedure just like a regular court and still reach decisions quickly.
- The majorities of Fast Track Courts is understaffed and have subpar facilities. In such courts, the IT infrastructure and methods for obtaining evidence are particularly lacking.
- Another factor contributing to these courts' inefficiency is the delay in getting reports and pointless adjournments.

In order to provide swift and impartial justice, it can be said that special courts should adopt a comprehensive strategy. The adage "Justice delayed is justice denied, but Justice hastened is justice buried" should be kept in mind.

## **4. E-COMPLAINT SYSTEM AS A LEGAL AID FOR DOMESTIC VIOLENCE CASES**

A judicial system's success from the viewpoint of the average person also depends on how easily accessible it is. A move in the right direction has been made by introducing an E-complaint system for the same. In India, domestic violence victims are most positioned to benefit from this system. notably in the current situation, where domestic abuse reports have reached a ten-year high, a legal help like an E-complaint system. Online complaint portals are available from the National Commission for Women and several state governments. In light of the significant increase in domestic violence, it also issued a WhatsApp number for reporting events during the lockdown. In June, it received 2,043 complaints in total about crimes against women, of which 452 were domestic abuse.

The fact that these legal assistance have caused the offenders to fear their actions because they are now treated more seriously is a noteworthy development that has been noticed. A significant portion of empowered women have undoubtedly gained increased confidence as a result of the ease with which complaints may now be filed. However, women who are struggling financially still have to recover from such tragedies. Despite the fact that the system appeared to be working well, more than half of domestic violence incidents are still not recorded. As is sometimes assumed, the victim's financial insecurity and volatility may be to blame, but the arduous process of making a complaint may also be to blame. In many situations, the victim has been mistreated as a result of the police investigation that followed an internet complaint. Furthermore, many women may not be able to afford to fight in court. Another situation that has been witnessed is that when such widely accessible legal assistance are introduced, society fears that women may exploit it. The fear of their concerns being dismissed or vilified causes women who file complaints to feel inhibited.

<sup>21</sup> Babu Singh v. State of U.P., (2005) 9 S.C.C. 741.

#### 4.1 Suggestions to develop more public trust in the system

1. The complainant has the discretion to decide whether to keep the complaint confidential. The victim shall be free to decide whether or not the case should be made public.
2. To make the process simpler for the harmed, the burden of proof shall be placed on the accused.
3. Special training must be provided to the officers in charge so they can respect the victim's privacy and provide timely, appropriate answers.
4. Between the victim and the investigating officer, the process must be completely transparent. To conclude, we can say that in E-complaint system, there is still considerable need for improvement in this area. Making the complaint process simpler wouldn't reduce the number of incidents. It shall also be ensured that the filed complaints are seriously dealt with.

#### 5. CONCLUSION & SUGGESTIONS

FTC's expedited process has the potential to significantly alter the legal system. The problems with our legal system are evident from India's rising crime rate. A flawless court system must have swift justice, as long as the ruling is equitable and reasonable. It is important to grasp the difference between desirable swift justice and unfavourable hasty justice. In order to enhance India's Fast Track Courts and E-complaint system, a comprehensive methodology must be used. In cases of domestic abuse, the victims' privacy and comfort should come first. India already has a suitable basis for an ideal judicial system. Planning carefully and using resources wisely will undoubtedly produce greater results. It is crucial to have a clear definition of the kind of cases that can be heard in a Fast Track Court as well as information about how it is funded. To enhance the management and administration of Fast Track Courts, a cooperative strategy might be used. For it to perform better, community engagement must be increased. If the procedure that comes after the e-complaint system is made more victim-friendly, it will be most successful. It's crucial to prevent the victim from suffering new trauma while fighting for justice. Transparency in the process between the victim and the investigating police is essential for this. To ensure that appropriate action is done in every reported situation, extra attention must be taken.

Our principal findings can be summarized as follows:

- (i) The special fast track courts seem to resolve cases relatively more quickly than the rest of the criminal justice system. However, they don't seem to make it easier to resolve a lot of issues, therefore there are still a lot of pending cases in these courts.
- (ii) The special court created to hear cases under POCSO doesn't seem to be very effective at handling cases quickly.
- (iii) For the special fast speed courts, the conviction rate is incredibly low.
- (iv) The frequent occurrence of hostile witnesses is the main cause of the high rate of acquittals. When confronted with hostile witnesses, the prosecution typically makes little effort to present alternative evidence or launch a more thorough investigation. The judgments under review also showed a troubling trend of courts not actively challenging the suspicious circumstances that turned witnesses hostile in nearly all of the cases.
- (v) A careful reading of judgments exposes serious substantive issues with how the courts analysed the evidence—particularly the medical evidence—presented to them.
- (vi) The number of these special fast track courts don't even have designated courtrooms or judges, let alone any fast track procedures.
- (vii) Additionally, these judges and prosecutors receive little or no specialised instruction in how to handle these cases. Their operation shows that the creation of special fast track courts alone, without procedures or training, is insufficient to guarantee prompt justice for the victims.

**SUGGESTIONS**

(i) *Need for Special Legislation*: A crucial requirement that comes out of this article is that they require a legal base. Two concerns are troublesome as a result of the lack of legislative support. First of all, as can be seen from the case of the special fast track courts, these courts frequently open and close on an as-needed basis in response to political demands. Second, these special courts operate similarly to ordinary courts because there is no structure defining the goals of these courts, how they will operate, or any unique procedures that must be followed. There should either be a separate law establishing these courts or amendments to the Criminal Procedure Code mandating how the special fast track courts should operate in order to ensure that such special courts are set up as permanent institutions and serve the purpose for which they are established. The law should also specify how cases are to be handled quickly and what steps are to be taken specifically to protect witnesses and victims.

(ii) *Training*: Analysis of the verdicts showed that judges, prosecutors, and other criminal justice system participants urgently needed training on how to handle sexual assault cases. The following important actors should, at the very least, receive specialised and continuous training on violence against women: judges, prosecutors, attorneys, and registrars. In addition, the legislation creating these courts must to call for regular evaluations of court operations as well as training for all court personnel, including judges and prosecutors.

(iii) *Provision of Support Services*: The policy should include provisions for victim support services, such as interpreters, social workers, and other services to safeguard victims, allow them to testify without fear, and lessen any potential trauma.

(iv) *Periodic Monitoring and Evaluation*: Once formed, special courts should be periodically reviewed to determine their efficacy. By allowing for a data gathering technique to monitor and assess the work of these courts, the law ought to provide for this.

(v) *Requirements of Special Sexual Offences Courts*: Finally, the following elements must to be included in any special courts created to hear cases of sexual assault in order to guarantee prompt and effective justice:

- a. judicial officials who have been specifically chosen for their attitude, expertise, and talents;
- b. Specialized prosecutors;
- c. Offering skilled, cost-free, and prompt legal counsel and representation;
- d. victim Advocates;
- e. Special courtroom preparations for victim protection, such as victim-specific waiting areas, victim-only entrances and exits, remote witness facilities, and properly trained security personnel. It's also crucial to have interpreters available;
- f. Techniques for cooperating with non-governmental groups and other judicial authorities.

(vi) The Fast Track Courts are now funded by state governments. It has been noted that no state government accords it the proper priority. To maintain uniformity, either this should be properly supervised, or the federal government should take it up again.

(vii) The American model may be observed in that there is more community involvement in the courts, which increases public trust. The distance between people and the legal system is closed by the same.