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Speedy Trial or Speedy Disposal? A Critical Analysis of Fast Track Special Courts in Rape and POCSO Cases in India

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This article examines the tension between speed and fairness in India's Fast Track Special Courts. The Fast Track Special Courts were established to secure swift justice in rape and POCSO cases, but delay is still the main issue, even though a deadline of one year has been set. This article raises a straightforward question: does achieving a faster disposal of cases result in better justice? It starts from the principle that a Speedy trial is an integral part of the right to life and personal liberty, guaranteed by Article 21, and examines how the courts attempt to strike a balance between speed and a fair trial. Although the law specifies time limits for both the investigation and the trial, since these are only to be observed 'as far as possible', there is no penalty for failing to meet them. The article points out that delays begin before the trial itself, due to slow investigations, late forensic reports, an insufficient number of prosecutors and persons providing support, a lack of exclusive courts, delays in recording a child's statement, and witnesses becoming hostile. At the same time, an excessive emphasis on speed can cause trials to be rushed, result in wrongful convictions, cause harm to the child, and lead to more appeals. The article maintains that speed and fairness must be combined, and that these courts should be evaluated according to the quality of justice they deliver, not by the number of cases they close.

Keywords: *speedy trial, fast track special courts, fair trial, speedy disposal.*

INTRODUCTION

Whenever a crime occurs, both the victim and the accused expect the same thing from the legal system: justice that is not delayed. However, the reality is different. Pending cases before Fast Track Special Courts (FTSCs) trying rape and POCSO cases rose to 2,45,579 at the end of 2025, up from 2,04,122 at the end of 2024. New cases instituted before FTSCs in 2025 were 1,43,936, up from 88,902 in 2024 and 81,471 in 2023. Disposals went the other way, from 85,595 in 2024 to 66,500 in 2025.[1]

Isn't this surprising, because these courts were created to do exactly the opposite? The figures suggest the courts are struggling, closing fewer cases than earlier. Let's take a look at how and why they were created. It begins with the Criminal Law (Amendment) Act 2018, which included stringent punishment, the death penalty for rape offenders and the enactment of FTSCs.[2] Following this, in July 2019, the Supreme Court's direction came in Suo Motu Writ Petition (Criminal) No. 1 of 2019.[3] Acting on these directions, the Union of India also formulated a scheme to establish FTSCs for timely disposal of cases related to POCSO and rape in August 2019. The scheme was launched on 2 October 2019 and was most recently extended from April 2023 to March 2026. The main purpose behind it was to expedite trials and reduce backlogs.

All this data and these initiatives raise an important question: does faster disposal of rape and POCSO cases automatically mean better justice? The answer is that faster disposal will matter only when it provides justice and the trial is fair. Think about it yourself: is faster disposal of any use if the victim doesn't get justice, or the accused is not given a fair chance?

SPEEDY TRIAL, SPEEDY DISPOSAL AND FAIR TRIAL

Speedy trial means that a criminal case should be completed within a reasonable time, without unnecessary delay. This applies at every stage, i.e. investigation, trial, appeal and

[1] Dese Gowda, 'Fast-track courts fail to deliver timely justice to rape and POCSO survivors; case backlog reaches 2,45,579' (*The South First*, 24 July 2026) <https://thesouthfirst.com/beyond-south/fast-track-courts-fail-to-deliver-timely-justice-to-rape-and-pocso-survivors-case-backlog-reaches-245579/> accessed 12 September 2026

[2] Criminal Law (Amendment) Act 2018; 'Cabinet approves continuation of Centrally Sponsored Scheme for Fast Track Special Courts for further three years' (*Press Information Bureau*, 29 November 2023) <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1980687&reg=48&lang=2> accessed 12 September 2026

[3] *Re: Alarming Rise In The Number Of Reported Child Rape Incidents* (2019) Suo Motu WP (Cri) No 1/2019

any retrial.[4] The Constitution does not explicitly guarantee a speedy trial. But the Supreme Court read it into Article 21 (right to life and personal liberty), as it recognised the right to a speedy trial in Hussainara Khatoon and Others v Home Secretary, State of Bihar (1979).[5] A procedure which does not ensure a quick trial cannot be regarded as 'reasonable, fair or just'. The case involves undertrial prisoners kept in jail for years.

As stated in Mohd Hussain v State (NCT of Delhi) (2012), the right to a speedy trial is of the accused. But this right does not preclude the victim and society. It serves those who are interested in timely justice.[6] When we talk about harm, it is not caused by a speedy trial, but the real harm lies in delay. It is delay that slowly damages evidence, silences the child and denies justice.

Speedy Disposal: Speedy disposal means closing a case quickly. It is measured in numbers, such as cases disposed of per year or the clearance rate. Unlike speedy trial, it is not a constitutional right. It is an administrative or policy goal for courts and the government. Targets like the FTSCs' disposal figure are examples. It mainly works on how many cases were closed, not whether it was fair. A case can be disposed of by conviction, acquittal, withdrawal or transfer.[7] If the disposal number becomes the aim, the judicial procedure will collapse just to get closer to the aim; there will be no justice, no fairness and no procedure. When courts chase numbers, hearings are rushed, and orders become just a formality. As the Vidhi Centre report pointed out, high disposal figures may look good on paper, but they can hide a deeper problem.[8] Justice delivered in haste is not always justice done. The FTSC data is an example of a measure to speed up disposal.

Fair Trial: A Fair Trial means a trial that actually gives the accused a chance to defend and gives the case a just and impartial hearing. It is part of Articles 14, 21 and 22 of the Constitution of India.[9] A fair trial includes an unbiased judge, a chance to be heard, a chance to present evidence, cross-examination of witnesses, legal aid if a lawyer cannot be afforded, and a reasoned judgment.

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[4] *Abdul Rehman Antulay & Ors v RS Nayak & Anr* (1992) 1 SCC 225
[5] *Hussainara Khatoon and Ors v Home Secretary, State of Bihar, Patna* (1980) 1 SCC 81
[6] *Mohd Hussain v State (Govt of NCT of Delhi)* (2012) 9 SCC 408
[7] Approva et al., *A Decade of POCSO: Developments, Challenges and Insights from Judicial Data* (Vidhi Centre for Legal Policy 2022) 71
[8] *Ibid* 72
[9] Constitution of India 1950, arts 14, 21, 22 and 39A

In the case of Zahira Habibulla H Sheikh v State of Gujarat (2004), it was held that a fair trial is the basis of criminal justice and must be fair to the accused, the victim and society.[10]

In the end, to provide justice, many initiatives can be taken, but in that process, justice can be undone. The case can close quickly, just to show the numbers, but still end in injustice, like a formality. The main goal of these steps is speedy justice, not just the fastest trial. The SC itself says a procedure must be reasonable, fair and just, and so, for speedy trial under Art 21, the needs of society must be balanced with the rights of the accused.[11]

STATUTORY FRAMEWORK

It has for a long time been the position of Indian law that justice delayed in a case involving a sexual offence is equivalent to justice compromised. As memories fade, witnesses may become hostile, and survivors are subjected to pressure, whereas the accused can remain in custody or suffer stigma. In response, Parliament has introduced several pieces of legislation to monitor the process, stage by stage.

The investigation begins when the information is received. According to section 193(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the investigation into cases of rape and POCSO offences must be completed within two months of the information being recorded.[12] It indicates that the law requires expeditious trials from the beginning.

When the charge-sheet has been filed, then comes the trial. The exception in Section 346 of the BNSS provides that rape cases should, where possible, be completed within two months of the filing of the charge-sheet, and it limits the number of adjournments to avoid delays.[13] For juveniles, the Protection of Children from Sexual Offences Act 2012 (POCSO) offers alternative timelines. According to Section 35, the child's evidence must be recorded within thirty days of the case being filed and trial completed within one year, 'as far as possible'.[14] The Act acknowledges that speed by itself is not sufficient for a child, and Sections 28, 33, 36

[10] *Zahira Habibulla H Sheikh and Anr v State of Gujarat and Ors* (2004) 4 SCC 158
[11] *Hussainara Khatoon and Ors v Home Secretary, State of Bihar, Patna* (1980) 1 SCC 81; *Mohd Hussain v State (Govt of NCT of Delhi)* (2012) 9 SCC 408
[12] Bharatiya Nagarik Suraksha Sanhita 2023, s 193(2)
[13] *Ibid* s 346
[14] Protection of Children from Sexual Offences Act 2012, s 35

and 37 establish special courts, a child-friendly procedure, protection against being directly confronted by the accused, and a trial to be held in camera.[15]

According to Section 415 of the BNSS, an appeal against a conviction for rape must be decided within six months.[16] These provisions together establish a time-bound procedure covering from the first information to the final appeal. The problem, though, is in the way they are worded: nearly all the deadlines are qualified by the phrase 'as far as possible', and the courts regard this as merely directory and not as mandatory. If a deadline is missed, there is no effect on the system. The discrepancy between the intention of the legislature and the actual obligation that can be enforced is the point from which the next question that this article considers begins: how have the courts struck a balance between speed and fairness?

KEY JUDICIAL PRONOUNCEMENTS

Hussainara Khatoon v State of Bihar (1979): It is a foundational case relating to the right to a speedy trial in India. In this case, the Supreme Court, P. N. Bhagwati J., held that speedy trial is an implicit fundamental right under Article 21 of the Constitution. Following Maneka Gandhi, a procedure which deprives a person of liberty must be reasonable, fair and just.[17]

P. Ramachandra Rao v State of Karnataka (2002): It was held that the Court cannot fix a rigid time limit for all trials. There should be no fixed time because it may vary with the facts and circumstances of the criminal proceedings.[18]

State of Punjab v Gurmeet Singh (1996): It is an important judgment by the Supreme Court on the legislation of rape. In this case, it was held that the testimony of the victim is equivalent to that of an injured witness, and it does not need any additional evidence if it appears trustworthy.[19]

Sakshi v Union of India (2004): It is a famous case as it led to the Criminal Law (Amendment) Act, 2013 and the concept of child-friendly trials. (Also, it is the basis for today's POCSO Act 2012). In this case, the Supreme Court held that although section 375 cannot be rewritten, it can be amended by the legislature. But it has given some guidelines to protect the victim,

[15] *Ibid* ss 28, 33, 36 and 37
[16] Bharatiya Nagarik Suraksha Sanhita 2023, s 415
[17] *Hussainara Khatoon and Ors v Home Secretary, State of Bihar, Patna* (1980) 1 SCC 81
[18] *P Ramachandra Rao v State of Karnataka* (2002) 4 SCC 578
[19] *State of Punjab v Gurmit Singh and Ors* (1996) 2 SCC 384

such as child victims' examination behind a screen in-camera trials, and questions must be in simple language.[20]

Alakh Alok Srivastava v Union of India (2018): It is a landmark case for Speed justice and victim protection under the POCSO Act. In this, the Supreme Court provided various guidelines to implement the POCSO Act properly, such as: Institution of exclusive POCSO courts in every district where more than 100 cases are pending; disposal of POCSO cases within 1 year as per the Act; High Court monitoring of sexual offences of children trials and child-friendly courts; appointment of a special public prosecutor for POCSO cases.[21]

Mohd. Hussain @ Julfikar Ali v State (Govt. of NCT of Delhi (2012): It is a landmark judgment on the right to legal aid and fair trial under Article 21. In this case, the Supreme Court held that every person has a right to a fair trial and the right to be defended by a competent lawyer under Article 21. If a state doesn't provide a lawyer from the start, it will not be fair. It is a fundamental right under Article 21.[22]

FAST TRACK SPECIAL COURTS: PROMISE VS PERFORMANCE

The purpose of the Fast Track Special Courts (FTSC) Scheme was to give foremost priority to the safety of women and children; another government initiative in the same spirit is the Beti Bachao, Beti Padhao scheme. However, the real concern arises when crimes against women and children increase, and there is a delay in delivering justice because of a large backlog of pending cases. Hence, there is an imperative need to establish a dedicated system to tackle these issues effectively.

To address this, exclusive POCSO courts were formed in districts with more than 100 POCSO cases, and Fast Track Special Courts were also set up as designated courts meant to ensure expeditious trial and swift justice. Financially, it is a Centrally Sponsored Scheme, with the Centre's share met from the Nirbhaya Fund. The scheme, launched on 2 October 2019, has been continued till 31 March 2026 with an outlay of Rs 1,952.23 crore. By 2023, it had put into action 761 FTSCs, including 414 exclusive POCSO courts, which had resolved over 1,95,000

[20] *Sakshi v Union of India* (2004) 5 SCC 518
[21] *Alakh Alok Srivastava v Union of India* (2018) 5 SCC 651
[22] *Mohd Hussain v State (Govt of NCT of Delhi)* (2012) 9 SCC 408

cases. On paper, the design was ambitious; what matters now is whether the courts have delivered on it.

However, the data suggest otherwise and show that the results have fallen short. To begin with, NCRB data for 2022 show that 2,39,188 of 2,68,038 POCSO cases were pending, a pendency rate of 89.2% (this is data for all POCSO cases, not only those in FTSCs)[23]. Further, the Department of Justice dashboard, as reported by IndiaSpend, shows that FTSCs had disposed of 2,99,624 cases since 2019, while 2,04,122 were still pending. Moreover, a Vidhi Centre study found that a POCSO case takes an average of 509.78 days to be disposed of, which is longer than the one year, 'as far as possible', provided in section 35(2) of the POCSO Act.[24] The wider picture is no better, as even the number of courts is unclear. The dashboard shows 747 FTSCs, of which 406 are exclusive POCSO courts, while the Minister told Parliament in December 2024 that 863 courts were in action as of October 2024, against a 2019 target of 790.

The 2023 staffing guidelines provide one judicial officer and seven support staff exclusively for rape and POCSO cases. However, in many districts, FTSCs are handled as an additional charge by district judges. In addition, FTSCs get no funds for their own infrastructure, and IndiaSpend calculates that about Rs 75 lakh per court per year for 2023 to 2026 would barely cover a court's costs. Because of this mismanagement, courts that were set up to expedite justice are themselves held back, and victims of sexual offences suffer the delay.

The government, on the other hand, offers a contrasting perspective. It draws a distinction between FTSCs and regular courts, estimating the disposal of cases in regular courts at 3.26 cases per court per month, against 9.51 in FTSCs, and it reports 775 FTSCs operating as of 30 April 2026 against a target of 790. The news report carrying these figures notes that the method behind the comparison is not explained. Thus, both perspectives can coexist. FTSCs may dispose of cases faster than regular courts but still fall short of what they were created to achieve, for being better than the alternative is no guarantee of speedy justice.

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[23] Kumarsinh Dabhi, 'High pendency in fast-track special courts set up for child sexual abuse cases' *News Laundry* (25 February 2025) <https://www.newslaundry.com/2025/03/03/high-pendency-in-fast-track-special-courts-set-up-for-child-sexual-abuse-cases> accessed 12 September 2026

[24] Protection of Children from Sexual Offences Act 2012, s 35(2)

WHY DELAYS PERSIST?

Consider a hypothetical case. In 2019, a 6-year-old girl from a small town was sexually assaulted. Her mother filed an FIR hoping for swift justice. Today, in 2026, the child is 13, still attending court hearings in her school uniform. The accused is out on bail, and the case file gathers dust under the label 'under trial'. Her story is not an exception; it is the norm, and this precisely raises the question: why do FTSCs, designed to deliver justice in months, end up taking years?

To understand why this happens, we need to look beyond the courtroom.

The delay in rape and POCSO trials is not confined to courtrooms. It is systemic, accumulating at each stage of the case lifecycle. The Vidhi Centre's study of a decade of POCSO cases makes the point itself, warning that responsibility for the Act's success or failure is not to be placed solely at the judiciary's doorstep.

A study in Maharashtra found that the pendency of POCSO cases is very high, and the primary reason for high pendency is the slow pace of investigation by police and delay in depositing samples with forensic science laboratories.[25] The first delays begin not inside the courtroom, but much before the case even gets there. Investigation is completed in less than 60 days in only 33% of cases, and for 36% of cases it takes six months. Further, there is a large delay in depositing samples with the FSL and in getting the FSL report, which leads to delays in trial. As per NCRB 2020 data, 42% of cases of crimes against children are pending, and this shows a huge systemic gap not confined to POCSO.[26]

The Maharashtra study further found that 'because the DNA and forensic labs are located only in some of the metropolises like Mumbai, samples under the POCSO Act from across the state are sent there, causing serious delays in receiving reports, leading to delay in filing the chargesheet.' In addition to that, 'there is a lack of adequate experts, expertise and infrastructure in FSLs and in some cases, there is a lack of FSLs altogether.'[7] The SC 'directed the Chief Secretaries of all states to ensure that in all POCSO cases, the forensic science

[25] Pallavi Patkar and Suruchi Patkar Kandula, *IMPLEMENTATION OF THE POCSO ACT, 2012 BY SPECIAL COURTS: CHALLENGES AND ISSUES* (Centre for Child and the Law, National Law School of India University 2018)
[26] National Crime Records Bureau, *Crime in India 2020* (2021)

laboratories in their states send back reports promptly and without any delay', which shows how serious the issue is.[27]

Even if evidence reaches the court, justice depends on those who fight the case and those who support the victim. However, as per the report, a Maharashtra study found that 'only 42% of courts had a designated SPP assigned to attend to cases under the POCSO Act' and a study by CCL-NLSIU found that 'even when SPPs were designated, they were not working exclusively on POCSO cases, thus compromising the quality of assistance rendered to victims.'

The gaps can be seen at the trial stage, where the actual test of the law's promise of speedy justice happens. Under Section 35 of POCSO, the child's statement must be recorded within 30 days of the court taking cognisance of the case, and in case of delay, the reason must be recorded by the Judge.[28] But reality is different: as per a study of Special Court orders in Delhi, 'in only about 11% of the cases is the child's evidence recorded within the period of 30 days from the date of cognisance.'[29] Moreover, 'the courts also do not record the reason for delay in recording the child's testimony as mandated under Section 35(1) of the POCSO Act.' Further, in Karnataka, 'as many as 72% of cases took more than one year to be disposed of.'

The root cause of all these problems is the insufficient number of courts, which increases the problems further and leads to pendency. In the suo motu writ petition In Re: Alarming Rise in the Number of Reported Child Rape Incidents, it was shown that the number of child rape cases in India is increasing, and the bench noted the long pendency of cases.[30] The SC, in its judgment of 15 May 2025, said POCSO trials are not finishing on time because of insufficient exclusive POCSO courts. It even named states where courts are needed, such as Tamil Nadu and Maharashtra. It was also noted that the majority of states are complying with the direction of setting up exclusive courts, but there are a few states that are still lacking in setting up POCSO courts. The Vidhi Centre also found 'a huge disparity between different states as far as the sanctioning of Special POCSO Courts is concerned', with 'states like Madhya Pradesh' being 'grossly underserved'; Vidhi cautions that 'this is only the

[27] *In Re Alarming Rise* in the Number of Reported Child Rape Incidents (2020) 7 SCC 87
[28] Protection of Children from Sexual Offences Act 2012, s 35(1)
[29] Bharti Ali, et al., *Implementation of the POCSO Act: Goals, Gaps and Challenges* (HAQ Centre for Child Rights 2017)
[30] *In Re Alarming Rise* in the Number of Reported Child Rape Incidents (2020) 7 SCC 87

sanctioned strength and the researchers cannot be certain about how many Special Courts may have actually been set up.'

The effect is cumulative. The number of pending cases has increased every year since 2013, with the sharpest increase (24,863) in 2020, which Vidhi attributes to the COVID-19 lockdown. Meanwhile, transfers between courts rose from around 8% of disposals in 2013 to a little over 19% in 2019. Delay is the outcome of the failure of the entire system: investigation, prosecution, courts and support services. Thinking of disposal numbers as the solution is misleading, as these figures may be reflective of 'a deeper problem of inflated disposals.' Merely speeding up the procedure can never provide fair justice.

DANGERS OF SPEEDY DISPOSAL

Rushed Trials: A trial is legitimate only when both parties have enough opportunity to examine the evidence. The first things to be affected when the schedules are shortened are effective cross-examination and defence preparation, which ultimately weakens the fair trial guaranteed under Article 21. The POCSO Act itself sets out stricter timelines. The child's evidence is to be recorded within thirty days of the Special Court taking cognisance, and the trial is to be completed, as far as possible, within one year.[31]

Number-Driven Courts: The pressure for disposal is itself visible in the data. With over 2.43 lakh POCSO cases pending trial in Fast Track Special Courts (FTSCs) as of January 31, 2023, a new research paper by the India Child Protection Fund (ICPF) has estimated that each of the over 1,000 such courts in the country is currently clearing just 28 cases on average every year, as opposed to the initially envisioned 165 cases per year.[32] However, the research paper, titled 'Justice Awaits: An Analysis of the Efficacy of Justice Delivery Mechanisms in Cases of Child Sexual Abuse in India', estimated that under the current pendency rates, Arunachal Pradesh would take 30 years for trials in all pending POCSO cases to come to a close. Similarly, it would take Delhi 27 years, Bihar 26 years, West Bengal 25 years, Uttar Pradesh 22 years, and Meghalaya 21 years to clear their respective backlogs in POCSO cases.

[31] Protection of Children from Sexual Offences Act 2012, ss 35(1)–(2)
[32] *Justice Awaits: An Analysis of the Efficacy of Justice Delivery Mechanisms in Cases of Child Sexual Abuse in India* (India Child Protection Fund 2023) 12

It also said, 'Each FTSC was expected to dispose of 41-42 cases in a quarter and at least 165 in a year. The data suggests that FTSCs are unable to achieve the set targets even after three years of the launch of the scheme.' So when the targets are not being met, they tend to push courts and prosecutors to put out results in a hurry, which can be a threat to quality judgment.

Risk of Wrongful Conviction: The Supreme Court held that the statutory presumptions under Sections 29 and 30 of the POCSO Act (presumption of guilt and culpable mental state) are rebuttable, not absolute.[33] The prosecution must prove guilt beyond a reasonable doubt; an accused attempting to rebut the Section 29 presumption only needs to discharge their burden based on a preponderance of probabilities.

Survivor Impact: The POCSO Act requires child-friendly procedures.[34] Speed in itself does not offer protection to the child witness. The questions are to be put to the child through the court; the child should not be called repeatedly to testify, and the child must be kept away from the accused. The CCL-NLSIU found that these protections rely on the court's infrastructure, on properly trained staff, and on preparing the child, facilities which many of the Special Courts did not have. The HAQ study carried out in Delhi and Mumbai found that the courts were often unaware of the Support Persons who had been assigned to the child. Therefore, A trial that is quick but unprepared may end up failing to help the survivor.

Appeal Burden: A flawed quick judgment is likely to be reversed, which may create delay in the end. As seen in Deepak Kumar's case, the conviction upheld by the High Court was set aside by the Supreme Court. So, the time that was saved at trial is now lost on appeal.

CRITICAL ANALYSIS AND COMPARATIVE STUDY

Speed and Fairness are not opposed to one another. A trial that takes years to reach to a conclusion affects parties, and the one that finishes quickly also affects them. The real question here is not 'how fast?' but how fast is necessary for the stage and without compromising what matters. These four questions below enable a reader to examine timelines.

[33] *Deepak (In JC) v State Govt of NCT Delhi* (2026) INSC 1008
[34] Protection of Children from Sexual Offences Act 2012, s 33

Is the Timeline provided under the Statute Realistic or not? A deadline only works when there is a proper system that can actually meet it. It is based on several factors like the court's capacity, facts and circumstances of cases, etc. As stated in the POCSO Act, the evidence of the child shall be recorded within 30 days and the trial within one year, as far as possible. But on a practical side, the whole picture is different. So, deadlines should be aligned stage by stage from investigation to arguments, but also keeping several factors in mind.

Does it protect Cross-Examination and Defence? Cross-examination is a stage in a trial when the court examines the evidence. Under POCSO, Sections 29 and 30 raise a presumption in certain situations, so the accused needs time to rebut it. Speed should never affect this.

Is the Victim supported throughout? In the POCSO Act, the juvenile needs 'special protection' like preparation, a support person and child-friendly procedures, not just special courts. Research has found that special courts lacked these supports. So, a fast trial with improper means cannot fulfil what the Act really aims for.

Is speed measured by quality, and not only by counting disposal rates? Speed must not affect fair justice. This can be seen from the following factors. Better indicators include:

- How often is a child's evidence recorded within the time limit?
- Number of cases that fail for avoidable reasons.
- Judgments get reversed on appeal.
- Whether a child-friendly procedure is opted for or not?

These are my opinions. However, Vidhi's report recommends more uniform data and needs.

England and Wales: According to Section 28 of the Youth Justice and Criminal Evidence Act 1999, vulnerable witnesses are allowed to have their cross-examination video recorded before the trial. This is then played to the jury. So the witness need not appear live.[35]

South Africa: South Africa created dedicated Sexual Offences Courts in 1993 as a victim-centred response to rising gender-based violence.

[35] Youth Justice and Criminal Evidence Act 1999 (UK), s 28

RECOMMENDATIONS

After analysing the topic, certain issues and gaps came into view. The causes of delay given in Part 6 point out many gaps, which show there is a need for change to fill those gaps. The recommendations given below go all the way from investigation to the disposal of the case, and these recommendations are to strengthen and speed up justice without harming or affecting the fairness factor.

Specialised and Trained Prosecutors and Judges: For the POCSO and Rape cases, there should be specialised and dedicated courts, prosecutors, and judges who deal with these cases only, not on additional charges or anything. However, there are special public prosecutors in every district court, but as per the Vidhi report, only 42% of courts have separate SPPs, and those are not working only in POCSO cases.

A Strict Adjournment Limit and Prioritising Recording of the Child's Testimony: POCSO and rape case trials should be completed rapidly; there should be strict timelines so justice can be served. Also, there should not be frequent adjournments, which might lead to delay, and if it's necessary, the judges must record in writing. And as for the priority of recording child testimony, it should be done at the earliest cause it makes a big difference in disposing of the case. Section 35 provides that a child's evidence is to be recorded within 30 days, and if delayed, the reason should be conveyed, but Vidhi's report says it's success and implementation is 11%, that is in Delhi.

Time Limit for Forensic Reports: The forensic reports in the case of POCSO require a time limit; the rape case should have a restricted time limit, with accountability on the state & laboratories. Late report data may delay the filing of the charge sheet & also restrict the court's trial procedure.

Proper Infrastructure: To provide speedy trial justice in POCSO & Rape cases, there should be proper Infrastructure to deal with all these cases. Merely increasing the number of courts is not a solution. There must be proper equipment to commence evidence recording, a vulnerable witness deposition centre, and also a strict time-bound process; courts should not only concentrate on the number of disposed cases but on the actual resolution of the case.

Fair Justice to the Victim & Accused: The justice should be given to both Side, speed should not become the reason which compromise the fairness. Free legal aid is a part of fair justice under Art. 21. & 39 A.

Transparency: The most important point that creates an impact is transparency. Courts should regularly publish information regarding case pendency, the status of the case and the outcome of the case; this will raise awareness and give knowledge to people about the system and how our system is handling all those POCSO and rape cases.

CONCLUSION

The Fast Track Special Courts were especially designed so that children and survivors should not have to wait for years to receive justice; nevertheless, the number of cases that are still pending continues to increase while the number of cases being closed is decreasing. However, the delay does not begin in court; it begins when the police take months to complete an investigation, when the forensic reports are late, when the prosecutors have too many cases to handle, and when there are too few courts. The law is of no use since the majority of the deadlines state 'as soon as possible', and so no one is held responsible when they are not met. Rushing the trial is not the solution either. A fast trial can harm the innocent, result in flawed judgment, and eventually be overturned on appeal.

So, the aim of Fast Track Special Courts is not the quickest trials but the ones that are both swift and fair. Justice should never be a matter of closing a case; it means that a child was given a proper hearing, the accused had a fair opportunity, and a verdict was delivered on time.