

**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. HANUMANTHAI AH.**

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