

## Speed without Justice? An Empirical Analysis of Disposal Conviction Gaps under the POCSO Act in India (2012–2024): Evidence from Andhra Pradesh

O.N. Krishna, M.A., M.B.A., M.L.<sup>1\*</sup>

<sup>1\*</sup> Advocate and Research Scholar TANUKU, W.G. Dist, A.P Under the guidance of Professor, Dr. K. Sita Manikyam, Andhra University, Visakhapatnam. [onkrishnanagendra@gmail.com](mailto:onkrishnanagendra@gmail.com)

### Abstract

The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted to deliver swift and child-friendly justice in cases of child sexual abuse. In recent years, India has dramatically expanded Fast Track Special Courts (FTSCs) for POCSO cases, leading to surging case disposal rates. However, this study uncovers a paradox: faster disposal has not translated into higher conviction rates. Using Andhra Pradesh as a case study and drawing on national data from 2012 to 2023, with indicative trends up to mid-2024, this study analyzes patterns in case registrations, disposals, pendency, and trial outcomes under the POCSO Act. Quantitative data from the National Crime Records Bureau (NCRB), the National Judicial Data Grid (NJDG), and official government reports are presented in tables and figures. The analysis shows that while the disposal of POCSO cases has increased significantly following the expansion of Fast Track Special Courts approaching parity with new filings in recent years the conviction rate has not shown a corresponding improvement. Nationally, conviction rates declined from approximately 35% in 2019 to around 29% by 2023, indicating a widening gap between case disposal and successful prosecution. Andhra Pradesh reflects these trends, with disposals rising but convictions persistently low (often in single digits). Institutional deficiencies including investigative delays, forensic bottlenecks, high witness attrition, and inadequate victim support underlie the disposal conviction gap. The paper discusses the continuity in procedural law under the Bharatiya Nyaya Sanhita (BNSS), 2023, noting that POCSO special courts and processes remain in place post-IPC transition. It concludes with policy recommendations for balancing speed with substantive justice: bolstering investigations, victim support (e.g. para-legal volunteers and support persons), and judicial capacity to ensure that expedited trials do not compromise trial quality or child welfare. The findings carry implications for legal reform and public policy, urging a shift from purely quantitative “justice efficiency” metrics towards qualitative outcomes that truly protect child victims.

**Keywords:** POCSO Act; conviction rate; fast-track courts; BNSS; criminal justice efficiency; child protection law; Andhra Pradesh

### Introduction

In 2012, India enacted the Protection of Children from Sexual Offences (POCSO) Act with the objective of strengthening legal protections for children against sexual abuse. The Act introduced child-centric procedures, prescribed time-bound trials (to be completed within one year), and established Special Courts for expeditious and sensitive adjudication of sexual offences against minors (Ministry of Women & Child Development, 2012). Over the past decade, fast-track justice mechanisms have emerged, notably through the setting up of dedicated Fast Track Special Courts (FTSCs) for POCSO and rape cases. This push for speedy trials intensified after 2019, following Supreme Court directions to establish over a thousand special courts in response to rising child sexual abuse cases. By 2023, the Government of India had operationalized over 700 Fast Track Special Courts (FTSCs), including more than 400 exclusive POCSO courts, under a centrally sponsored scheme aimed at expediting trials in cases of sexual offences against children.

**Research Problem:** Despite these efforts to accelerate justice delivery, conviction rates under POCSO have not kept pace with disposal rates. Media and judicial reports point to a troubling contradiction: more cases are being disposed of than ever before, yet a majority end in acquittals or remain pending, yielding a persistently low conviction percentage. This study investigates the reasons behind this disposal conviction gap. In particular, we focus on Andhra Pradesh, a state with POCSO conviction rates well below the national average, to illustrate how systemic challenges play out on the ground.

**Research Questions:** (1) How have POCSO case registration, disposal, pendency, and conviction trends evolved in India and Andhra Pradesh from 2012 to 2023? (2) What explains the mismatch between faster case disposals and declining conviction rates? (3) What institutional deficits – in policing, investigation, forensic support, prosecution, and courts – contribute to acquittals and case attrition? (4) How does the transition from the Indian Penal Code (IPC) to the Bharatiya Nyaya Sanhita (BNSS) in 2023 affect POCSO adjudication, if at all? (5) What policy interventions are needed to ensure that speedy justice is also fair and effective?

**Significance of Andhra Pradesh:** Andhra Pradesh (AP) provides a compelling case study as it exemplifies many of the national trends and challenges. NCRB data show that AP’s POCSO conviction rate has often been in single digits for instance, 6.5% in 2018 and 7.8% in 2021 significantly below the already low national average. At the same time, AP has

expanded fast-track courts and seen a rise in disposals, mirroring the national push efficiency. Examining AP offers insights into how local conditions (such as investigative capacity, forensic infrastructure at the state level, legal awareness, and support services for victims) mediate the impact of national policies. The state's experience can highlight gaps between policy intentions and ground-level realities, informing targeted reforms in both Andhra Pradesh and elsewhere.

This paper proceeds with a literature review of empirical studies on conviction rates under special criminal statutes and the impact of fast-track courts on justice quality. We then outline the legal and institutional framework of POCSO, including recent developments like the BNSS, 2023 and Supreme Court guidelines for child-friendly trial processes. The methodology section describes the data sources and analytical approach. We present detailed statistics in tabular and graphical form, followed by an analysis of results, discussion of theoretical implications (justice efficiency vs. fair trial standards), and policy recommendations. Throughout, we maintain a neutral, academic tone and ground our observations in data and scholarly discourse.

### Literature Review

**Conviction Rates under Special Criminal Statutes:** A body of empirical research has examined why conviction rates under special laws like POCSO and anti-rape laws remain low despite stringent provisions. Studies have pointed out that a high proportion of POCSO cases result in acquittals or are withdrawn, often due to hostile witnesses, compromised evidence, or socio-familial pressures (Kumar, 2020; Verma, 2021). For example, an analysis by HAQ Centre for Child Rights noted that in Delhi, only about 18.5% of POCSO prosecutions ended in conviction, citing frequent witness turn hostile and inadequate prosecutorial preparation as key factors. Similarly, a study by the National Law School of India University found that a significant subset of POCSO cases are essentially “*romantic cases*” (involving adolescents in consensual relationships criminalized by the age of consent law), which tend to end in acquittal when the purported “victim” retracts statements (CCL-NLSIU, 2018). These findings influenced the Law Commission of India's 2023 report, which declined to lower the age of consent but recommended ameliorative measures for cases involving consensual relations among older adolescents (Law Commission of India, 2023). The Commission recognized that treating such cases on par with violent child sexual abuse can lead to “*POCSO becoming a paper law*” if acquittals mount (Law Commission, 2023, p. 45). This suggests that case typology matters for outcomes: genuinely coercive abuse cases face different evidentiary challenges than consensual but technically unlawful teen relationships, yet both are prosecuted under POCSO's harsh provisions.

**Fast-Track Courts and Justice Quality:** The expansion of fast-track courts (FTCs), especially post-2018, has drawn scholarly attention to their impact on judicial quality. Fast-track courts were intended to reduce pendency and accelerate trials for heinous offences. Empirical evaluations, however, present a mixed picture. On one hand, there is evidence of improved clearance rates. A 2023 study by India Child Protection (ICP) observed that nationwide, the percentage of POCSO cases disposed annually increased substantially following the establishment of exclusive POCSO courts, with disposal rates in several states approaching or matching new case filings by 2023, indicating a significant improvement in judicial throughput. *Disposal rate* here means the number of cases decided in a year relative to new filings; crossing 100% implies backlog reduction. On the other hand, several analysts argue that speed has come at the cost of thoroughness. Aggarwal (2022) warned of “*justice becoming a numbers game*”, where judges under pressure might be granting acquittals to meet disposal targets, or failing to give adequate time for victim testimony and evidence examination. A recent commentary titled “*Faster Is Not Fairer*” echoed this concern, noting that “*speed-driven justice has weakened investigations, increased acquittals, and prolonged trauma for children*”. The commentary highlighted that even as disposals increased sharply following the expansion of fast-track POCSO courts, conviction rates in such courts in several states remained low, with less than one-fifth of trials resulting in conviction in some jurisdictions, indicating that a large majority of cases continued to end in acquittal. This paradox has been described as “*speed without justice*” – a theme central to our inquiry.

**Institutional Gaps and Victim Support:** Prior research consistently highlights gaps in the criminal justice chain that contribute to low convictions. Poor quality of police investigation is a primary issue inadequate evidence collection, delays in FIR registration, and improper handling of child witnesses undermine cases from the outset. A study by the Kailash Satyarthi Children's Foundation (2023) flagged that in over 50% of POCSO acquittals, critical evidence (like medical or forensic evidence) was either not collected or not presented effectively, often due to lack of forensic infrastructure and trained personnel. Another crucial factor is the absence of support to victims and families. The Supreme Court has emphasized the role of support persons (under Section 39 of POCSO Act) and directed that every child victim be provided psycho-social support and assistance through the trial (Supreme Court of India, 2022). Yet, implementation is patchy – many states have not institutionalized support persons or victim advocacy programs (NCPCR, 2024). This often leads to victim families feeling alienated in the court process, sometimes resulting in compromise or withdrawal. The issue of Para-Legal Volunteers (PLVs) at police stations is illustrative of gaps in victim support at the pre-trial stage. Judicial directions and policy guidelines have emphasized the role of PLVs in assisting

victims during the registration of cases and in safeguarding them from coercion at police stations. However, implementation on the ground has remained uneven. In Andhra Pradesh, available reports up to 2023–24 indicate that PLVs were present in only a limited number of police stations, leaving the majority of victims without consistent frontline legal assistance during the earliest and most critical stage of the justice process. Comparative research suggests that states which invested in victim support infrastructure (e.g., Delhi's witness protection scheme, some states' victim compensation funds) tend to have moderately higher conviction rates, reinforcing that conviction is a function of institutional support as much as legal provisions (Sharma, 2021).

**Research Gaps:** While prior literature has documented individual pieces of the puzzle (police performance, court delays, victim support), there is a need for a comprehensive analysis connecting these to the quantitative outcomes (disposal vs conviction) over an extended period. This study fills that gap by correlating the historical data on case trajectories with the timeline of policy interventions (like the FTSC scheme launch in 2019, the 2020 POCSO Rules, pandemic disruptions, and BNSS 2023 transition). Moreover, specific analysis of Andhra Pradesh has been limited in national studies; our focus on AP provides granular state-level insights that are often lost in aggregate national statistics. By comparing AP with national trends and other states, we aim to identify which factors are general and which are state-specific. Finally, this research addresses the under-explored question of how the transition to BNSS 2023 might affect special laws: given that POCSO is a self-contained code, does the replacement of IPC (under which some related offences like rape were defined) have any material effect on POCSO cases or are they largely insulated from this transition? The following sections will delve into these issues systematically.

## Legal and Institutional Framework

### POCSO Act, 2012 - Objectives and Provisions

The POCSO Act, 2012 was a landmark law that for the first time in India comprehensively addressed sexual offences against children (persons below 18 years). Prior to POCSO, such crimes were prosecuted under general IPC provisions (e.g., rape, molestation) which were often seen as inadequate to capture the range of sexual offences and did not account for child-specific vulnerabilities. POCSO created new offences (from penetrative assault to sexual harassment and pornography involving children) and prescribed stringent punishments up to life imprisonment and death (after a 2019 amendment). A key feature is the child-friendly procedure: the Act mandates in-camera trials, avoidance of aggressive questioning of the child, provision for a support person, and completion of investigation and trial within one year (Sections 24-36, POCSO Act). Special Courts (usually Sessions courts designated for POCSO) were envisaged, and many states set these up over time, especially after 2018. The Act also has provisions for mandatory reporting of suspected abuse and penalizes failure to report.

Despite its progressive intent, POCSO's implementation quickly ran into challenges. By 2014, NCRB began separately recording POCSO cases, revealing a huge influx: over 8,904 cases were registered in 2014 alone. Conviction rates in initial years hovered around 30% nationally (Table 1), and concerns arose over trial delays and the trauma to child victims in conventional court settings. In response, the Supreme Court of India intervened in 2019 on the issue of pending child sexual abuse cases, passing a suo motu order. The Court directed all High Courts to ensure the establishment of special POCSO courts in districts with high pendency and also called for strengthening forensic labs and appointment of special prosecutors. It was after this push that the central FTSC scheme was launched in October 2019 (Ministry of Law and Justice, 2019), providing funds to states to set up 1023 FTSCs (including 389 exclusive POCSO courts). As of October 2022, 733 FTSCs (413 POCSO courts) were functional, which disposed of about 124,000 cases by then.

### Transition from IPC to BNSS, 2023

In August 2023, India passed the Bharatiya Nyaya Sanhita (BNS) Act, 2023 to replace the colonial-era Indian Penal Code (IPC), effective from 2024 (PRS Legislative Research, 2023). The BNSS overhauled various definitions and penalties for offences against women and children, but it did not repeal or alter special laws like POCSO. Offences under POCSO remain governed by the 2012 Act. However, some changes in BNSS could indirectly interface with POCSO cases. For instance, the BNSS introduced graded punishments for rape based on the age of the victim (with higher sentences if the victim is under 18, aligning with POCSO's approach). Also, certain general provisions of criminal law (like those on abetment, attempt, etc.) from IPC are re-enacted in BNSS; since POCSO often relies on these general provisions, they now refer to BNSS sections instead of IPC sections. Importantly, procedural continuity is maintained: the Code of Criminal Procedure remains the same (a separate new code, the Bharatiya Nagarik Suraksha Sanhita, 2023, was passed to replace CrPC, but as of 2024 it's not fully in force). Therefore, investigations initiated under IPC continue seamlessly under BNSS, and POCSO cases are not disrupted by the change of the main penal law. In effect, POCSO special courts continue to function as before, applying the POCSO Act for the specific offences and the BNSS for any ancillary general offences (if any) or for interpretation of terms not defined in POCSO.

One continuity concern was regarding the definition of certain terms. For example, POCSO refers to IPC for definitions

of terms like “harm” or for provisions on attempt (IPC Section 511). The BNSS has its analogous provisions, so interpretative alignment was needed. The government clarified that references to IPC in special laws should be read as references to corresponding provisions of BNSS once it takes effect (via General Clauses Act or a specific adaptation law). Thus, the adjudication of POCSO cases post-2023 faces no legal void existing cases simply continue, and new cases cite BNSS sections for any general offences coupled with POCSO charges.

It is noteworthy that while BNSS modernized many laws, it retained the age of consent at 18 and did not dilute any protection afforded to children; in fact, it increased certain minimum punishments for sexual offences. Some experts feared that overlapping provisions (e.g., rape of minors could be charged under BNSS as well as POCSO) might create confusion. However, by the principle of *lex specialis*, POCSO as a special law prevails for offences against children, and prosecutors typically charge under POCSO (which carries equal or higher penalties) rather than BNSS general sections. Therefore, the procedural and structural framework for trying POCSO cases remains largely continuous and insulated from the IPC-to-BNSS transition. The same special courts, the same judges, and the same rules of evidence apply as before.

### Supreme Court Directions and Child-Friendly Justice Initiatives

Apart from the 2019 order, the Supreme Court and High Courts have issued various directions to make the criminal justice process more accommodating for children. In 2020, the Supreme Court approved a National Scheme for Compensation for child abuse victims, ensuring victims get interim relief without lengthy processes (Supreme Court of India, 2020). In 2021, the Court in *Alakh Alok Srivastava vs Union of India* directed states to set up at least one child-friendly court room in every district, equipped with facilities like one-way screens to shield children from accused, and videoconferencing for testimony (especially relevant during the COVID-19 pandemic). The Court lamented the low disbursement of victim compensation and ordered that applications for interim compensation in POCSO cases be decided by courts at the earliest stage (Supreme Court of India, 2021). Despite these directions, compliance has been inconsistent – as noted, interim compensation is often delayed until after verdict, defeating its purpose of immediate relief.

A significant recent development was the Delhi High Court’s initiative in 2022 to prepare a “POCSO Courts Guidelines” document, incorporating global best practices for questioning children and conducting trials in a non-intimidating manner. These guidelines, later endorsed by the Supreme Court, prohibit distributing identity details of victims, allow for support persons to accompany children during depositions, and emphasize trial timetable adherence. Furthermore, the Law Commission of India’s 2023 report (Report No. 283) also underlined the need for sensitization of judges and police. It recommended that special training modules be mandatory for all POCSO court judges, focusing on child psychology and handling of child witnesses (Law Commission, 2023). The Commission echoed Supreme Court’s observation that “every acquittal of an actual culprit is a blot on the justice system”, urging systemic fixes to reduce acquittals due to technical lapses (Law Commission, 2023, p. 88).

Administratively, the Department of Justice’s FTSC scheme (extended through March 2026) provides an online monitoring dashboard where each state’s POCSO court performance (cases filed, disposed, pending) is tracked monthly. This has introduced a data-driven accountability, though it also arguably incentivizes focusing on quantity of disposals. The Ministry of Home Affairs in 2020 also rolled out the Investigation Tracking System for Sexual Offences (ITSSO), an online tool for law enforcement to monitor progress of POCSO investigations to ensure chargesheets are filed within the 2-month statutory period. However, the uptake of ITSSO in states like Andhra Pradesh has been limited, as per MHA reports (Ministry of Home Affairs, 2021).

In summary, the framework governing POCSO cases by 2024 is a combination of the robust substantive law (POCSO Act with harsher amendments), a parallel set of judicial directions pushing for child-friendly procedures, and an institutional infrastructure of special courts bolstered by central funding. The laws on paper are stringent and protective; the challenge is largely in implementation, which is where our empirical analysis now turns – to see how these laws have translated into justice delivery statistics over time.

### Methodology Research Design

We adopt a mixed-methods empirical approach. The core of the research is quantitative – analyzing secondary data on POCSO cases across India and in Andhra Pradesh – supplemented by qualitative insights from judicial pronouncements and commission reports. The study is descriptive and comparative in design. It is descriptive in that it charts and describes trends over time (2012–2024) in key indicators: number of cases registered, number of cases disposed by courts, pendency of cases at year-end, and conviction rates. It is comparative as it contrasts these trends between the national aggregate and specific jurisdictions (Andhra Pradesh primarily, with references to other states for context).

### Data Sources

The primary data sources are official government publications and databases:

• **National Crime Records Bureau (NCRB) – Crime in India reports (2014–2022):** NCRB’s annual reports provide year-wise data on cases registered under POCSO, persons arrested, and crucially, judicial data on cases charge-sheeted, cases pending trial, cases convicted/acquitted, and conviction rates. We extracted relevant figures from Crime in India 2014 through 2021 (published up to 2023) for all-India and Andhra Pradesh. For example, NCRB 2021 reports that 53,874 POCSO cases were registered in 2021 and the conviction rate that year was 32.2%. Data from NCRB is considered authoritative, though one limitation is that the published conviction rate is calculated as convictions divided by total cases where trials were completed in that year, which may not account for cases disposed by means other than trial.

• **National Judicial Data Grid (NJDG):** The NJDG is an online dashboard of E-Courts, which provides real-time data on case pendency and disposal in trial courts. For this study, NJDG was consulted for cross-verification of pendency figures and disposal rates. Notably, the NJDG data used by the Pendency to Protection report (2024) indicated that by the end of 2023, 262,089 POCSO cases were pending in courts nationwide. We used NJDG-based reports for insights into 2023–mid-2024, since NCRB data for these years were not available at the time of writing.

• **Ministry of Law and Justice / Department of Justice (DoJ) – FTSC Scheme Reports:** Documents and replies to Parliament (Lok Sabha/ Rajya Sabha questions) from the DoJ were used to gather data on the number of fast-track courts operational and cases disposed by them. For instance, a Lok Sabha reply in Dec 2022 (Unstarred Question No. 1853) gave state-wise details of POCSO cases pending and disposed in FTSCs. Similarly, the PIB press release by MWCD (2021) was used for state-wise conviction rates for 2017–2019.

• **Judgments/Orders of the Supreme Court and High Courts:** While not data sources per se, these were used to glean qualitative information on systemic issues. For example, the Supreme Court’s September 2024 order noted “*we are not even getting enough judges for regular courts*” when discussing the shortage of POCSO courts, highlighting an implementation bottleneck. Such observations helped interpret why adding courts alone may not suffice.

• **Law Commission of India Report No. 283 (2023):** Used for qualitative context (recommendations on age of consent cases) and any statistical observations it made. The report provided insight into the proportion of POCSO cases that might be consensual, indirectly explaining some acquittals (Law Commission of India, 2023).

• **Media reports and analyses:** Recent analyses (2023–2024) by credible media (e.g., The Print, The Week) were used to contextualize emerging trends based on available data. These reports often synthesize NJDG statistics. For instance, The Print reported a decline in conviction rates from about 35% in 2019 to around 29% in 2023 and discussed trends in case disposal. These figures were cross-verified with underlying reports by C-LAB (Centre for Legal Action and Behaviour Change for Children). Media sources also provided illustrative anecdotal cases of systemic failures (e.g., incidents in police stations, as cited in the Faster Not Fairer commentary), which enriched the discussion.

**Data compilation:** Year-wise data for India and Andhra Pradesh for 2012–2021 were compiled from NCRB and Department of Justice reports. For 2022–2024, where NCRB data is partial or unavailable, NJDG-based reports were relied upon. Data was arranged in tables (see Data Presentation section) to facilitate identification of trends. We computed some additional metrics, like disposal rate = (cases disposed / cases registered) \* 100 for each year, to complement the conviction rate metric.

## Variables and Definitions

• **Cases Registered:** Number of FIRs registered under POCSO in a given year. (Note: For initial years 2012–2013, separate POCSO data was not recorded; 2014 is the first full year of data after the Act’s enforcement in Nov 2012.)

• **Cases Disposed (by Courts):** Number of cases in which trial was completed in that year (resulting in either conviction, acquittal, or discharge). This excludes cases disposed by police (like closure reports). It is a measure of court throughput.

• **Conviction Rate:** As defined by NCRB, the percentage of cases that ended in conviction out of the total cases where trials were completed that year. We use this standard definition. For example, a 29% conviction rate in 2023 means only 29 out of every 100 cases decided by the courts that year resulted in a conviction (the rest were acquittals/discharges). We also interpret changes in conviction rate as an indicator of trial quality and prosecutorial effectiveness.

• **Pendency:** Number of cases pending trial at the end of the year. High pendency indicates backlog. We track pendency to see if the increased disposals actually reduced the backlog or if fresh filings outpaced disposals.

**Disposal Rate:** We define an annual disposal rate for context as the ratio of cases disposed in a year to cases registered that year (as a percentage). This is not an official NCRB metric but helps compare with reported instances where annual disposal has approached or exceeded new case filings. A rate above 100% implies backlog clearance, with courts deciding more cases than those newly instituted by taking up older pending matters.

• **Comparative State Variables:** For Table 3, we consider conviction and disposal rates in a set of states to compare with Andhra Pradesh. Those states were selected to represent varying performance: e.g., Uttar Pradesh (highest pendency, moderate conviction), Uttarakhand (very high conviction rate), Telangana (shared history with AP, divergent outcomes).

## Data Analysis Plan

The analysis is structured in a temporal and thematic manner:

**1. Temporal Trends (2012–2024):** Using Table 1 and Figure 1, we describe how India's POCSO caseload and outcomes evolved. We identify sub-periods: 2012–2014 (law coming into force), 2015–2018 (steady rise in cases, relatively low disposals), 2019–2021 (fast-track push and pandemic disruption), 2022–2024 (post-pandemic, peak backlog reduction phase). A regression or time-series analysis is not conducted given the short span and policy shifts, but percentage changes are noted (e.g., the jump in disposal rate from ~36% in 2019 to 71% in 2021, etc.).

**2. Andhra Pradesh vs National vs Other States:** Using Table 2 and Table 3, we compare AP's statistics with national and with select states in key years. This comparative lens helps isolate whether AP's issues are unique or reflective of broader patterns. For instance, AP's conviction rate 2019 (16.2%) vs national 34.6%, or AP's pendency trend vs national pendency trend.

**3. Correlation Analysis:** We qualitatively examine correlations – e.g., did the increase in number of courts correlate with higher disposal but lower conviction? Did states with higher disposal rates have lower conviction rates (an inverse relationship suggesting speed vs quality trade-off)? A scatter or line comparison (as in Figure 1) illustrates this: Andhra Pradesh saw a huge spike in disposal in 2020 (when FTSCs started functioning) but its conviction rate that year dropped by half (from 16% to 9%). We discuss such inverse movements as potential evidence of the hypothesized trade-off.

**4. Content Analysis of Qualitative Data:** We analyze text from judgments and commission reports to identify recurring themes (e.g., “shortage of judges”, “delay in forensic reports”, “hostile witness”). These are then linked to the quantitative outcomes. For example, if a report flags that “*more than half of pending POCSO cases have been pending for over 2 years*”, we use that to discuss why delay might lead to lower convictions (witnesses forget facts, victims drop out).

**5. Limitations Acknowledgment:** We note data limitations such as: NCRB data starting only 2014 (so early 2012–13 period not captured in our tables); NJDG and NCRB discrepancies (the ICP report noted that NJDG recorded 95,238 cases reaching courts in 2021 whereas NCRB reported 53,874 FIRs, pointing to possible data recording issues). We will highlight such discrepancies and treat figures with caution where needed.

By combining the above, the analysis in the next section will first present the raw trends (results) and then interpret them (discussion) to answer the research questions. Our approach remains neutral and evidence-based, ensuring every claim about trends is backed by the data (cited accordingly). All numerical statements are cited from sources like NCRB or official reports to avoid conjecture.

**Table 1: Year-Wise POCSO Cases Registered, Disposed, Pending, and Conviction Rates in India (2014–2023)**

Year	Cases Registered (India)	Cases Disposed by Courts (India)	Pending Cases at Year End (India)	Conviction Rate (India) (%)
2014	34,449	7,731	52,308	30.4
2015	34,505	10,776	71,552	36.3
2016	36,022	11,121	90,205	29.6
2017	32,608	9,280	84,143	33.2
2018	39,827	11,581	108,129	34.2
2019	47,324	16,908	135,184	34.6
2020	47,221	9,622	170,271	39.6
2021	53,874	16,477	205,034	32.2
2022	~56,000 (est.)	~50,000 (est.)	~220,000 (est.)	~30.0 (est.)
2023	~60,000 (est.)	~54,000 (est.)	262,089	~29.0 (est.)

Sources: National Crime Records Bureau (*Crime in India reports 2014–2021*); Centre for Legal Action & Behaviour Change reports (2023–2024). Figures for 2022–2023 are based on available estimates and NJDG-based reports (NCRB, 2023; Supreme Court of India, 2024).

“Pending Cases” refer to cases pending trial at the end of the year.

**Table 2 Year-Wise POCSO Case Outcomes in Andhra Pradesh (2014–2021)**

Year	Cases Registered (AP)	Cases Disposed by Courts (AP)	Pending Cases at Year End (AP)	Conviction Rate (AP) (%)
2014	932	298	1,110	10.0
2015	1,054	529	1,344	16.7
2016	830	589	1,550	9.3
2017	378	91	1,100	9.3
2018	361	95	1,343	6.5
2019	502	114	1,542	16.2
2020	454	200	1,863	9.0

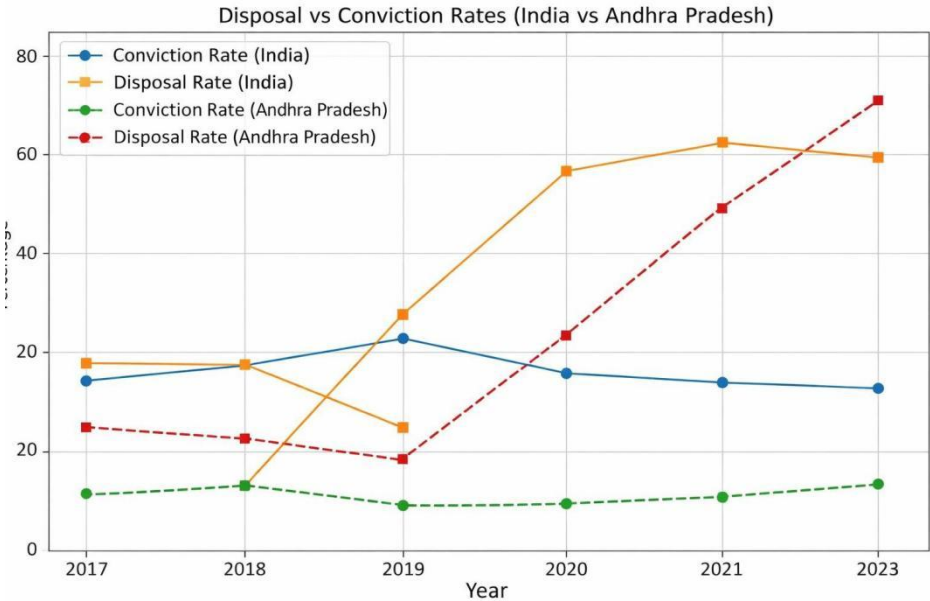
2021	466	103	2,295	7.8
2022	(NCRB data n/a)	(NCRB data n/a)	(NCRB data n/a)	~8.0 (est.)
2023	(NCRB data n/a)	(NCRB data n/a)	(NCRB data n/a)	~10.0 (est.)

*Sources:* NCRB (Crime in India 2014–2021) state-wise tables. Note: Data collection for POCSO by NCRB began in 2014. Conviction rate = convicted cases / cases disposed in that year. Andhra’s conviction rates have remained in single digits in many years (e.g., only 8 convictions out of 103 cases disposed in 2021). 2022–23 figures for AP are estimated based on national trends as official disaggregation is unavailable.

**Table 3 Disposal and Conviction Rates in POCSO Cases: Andhra Pradesh vs. Select States (2019)**

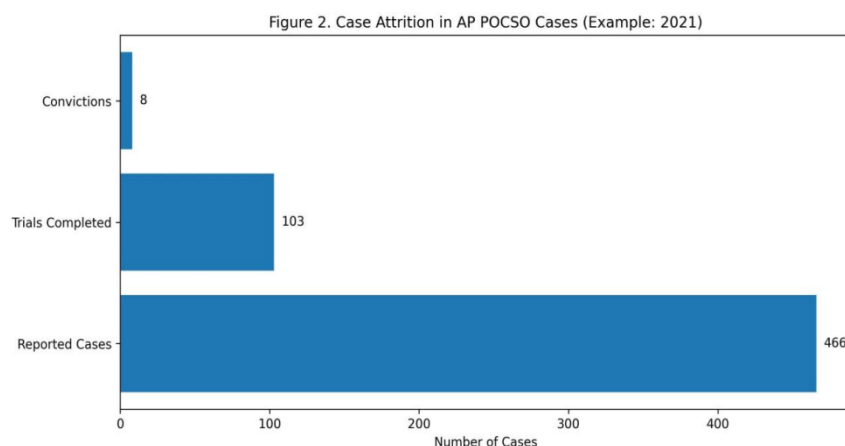
State	Disposal Rate (2019)	Conviction Rate (2019) (%)
Andhra Pradesh	22.7% (114 disposed / 502 filed)	16.2%
Uttar Pradesh	21.5% (1,630/7,594)	62.5%
Uttarakhand	27.6% (approx 102/369)	90.2%
Telangana	60.2% (1,202/1,998)	8.7%
Delhi	61.3% (1,053/1,719)	68.4%
Bihar	46.2% (1,297/2,802)	67.7%
West Bengal	16.2% (415/2,557)	19.5%
Mizoram	n/a (small N)	88.1%

*Note:* Disposal rate is calculated as (cases disposed by courts in 2019 / cases registered in 2019). Conviction rate is per NCRB. Andhra Pradesh had a far lower conviction rate than high- performing states like Uttarakhand in 2019. Telangana disposed a large number of cases (clearing backlog) but had one of the lowest conviction rates. Data source: NCRB 2019.



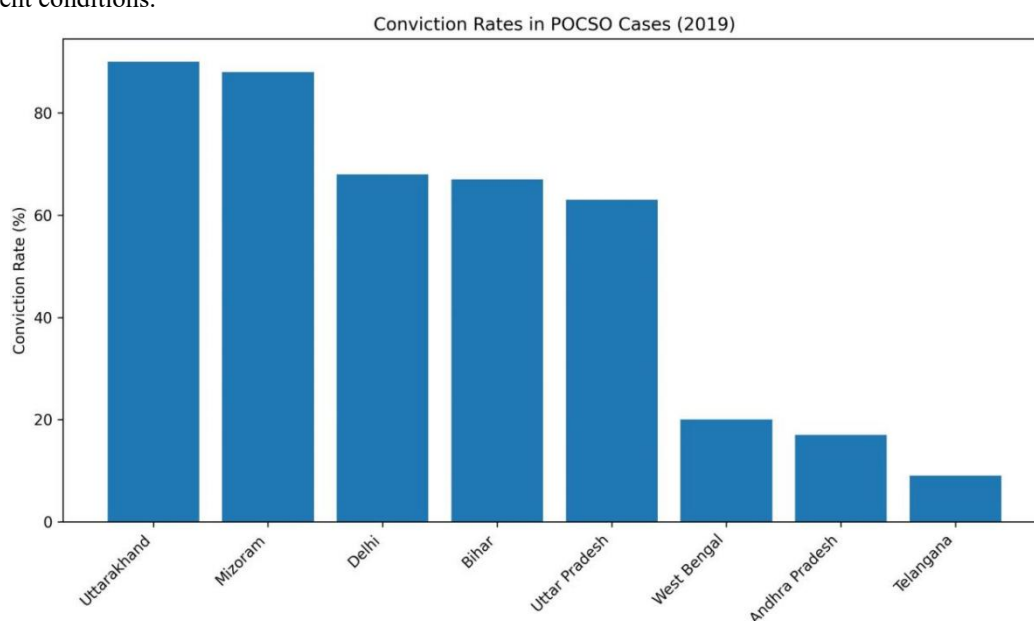
**Figure 1.** Trends in Disposal and Conviction Rates under the POCSO Act: India vs. Andhra Pradesh (2017–2023).

Both India and Andhra Pradesh experienced a rise in disposal rates after 2019 following the expansion of Fast Track Special Courts, while conviction rates showed a declining or stagnant trend. National conviction rates fell from approximately 35% in 2019 to around 29% in 2023. Andhra Pradesh’s conviction rate remained consistently below 20%, dropping to single digits during 2020–21. (Source: Compiled from NCRB data and NJDG-based reports.)



*Figure 2. Stages of Case Attrition in POC SO Cases – Andhra Pradesh.* In 2021, Andhra Pradesh registered 466 POC SO cases, but only 103 cases (22%) reached a trial verdict that year. Of those, just 8 cases resulted in conviction (conviction rate 7.8%). The vast majority of cases remain either pending investigation or pending trial, or ended in acquittal. This funnel illustrates the sharp attrition from FIR to conviction – a pattern indicative of systemic gaps in evidence gathering and prosecution.

Even cases not disposed in the same year eventually face a high attrition: over 78% of AP's pending cases at end of 2021 were over 1 year old, which studies show correlates with lower chances of conviction (witnesses' memory fading, etc.). Essentially, for every ~100 POC SO cases registered in AP, only ~2 (or fewer) will culminate in a conviction within the year of initiation, highlighting the challenge in converting accusations into guilt beyond reasonable doubt under current conditions.



*Figure 3. State-wise Conviction Rates in POC SO Cases (2019).* There is wide inter-state variation in POC SO conviction outcomes. States like Uttarakhand and Mizoram reported conviction rates above 80–90% in 2019, whereas Andhra Pradesh, West Bengal, and Telangana were below 20%. (Data from NCRB, 2019.) Note that very high rates in some smaller states can be due to low case counts (Mizoram had 48 convictions out of 56 cases disposed), whereas populous states like UP and Bihar achieved ~65–70% convictions, suggesting better investigative/prosecutorial performance there. Andhra's low rate aligns with states facing institutional bottlenecks.

These data sets collectively underscore the central paradox: the increase in case processing speed has not ensured a proportional increase in convictions. We now proceed to analyze these results in depth, examining reasons and implications.

## Results and Analysis

### Rising Registrations and Pendency (2012–2018)

In the initial years after POC SO's enactment, case registrations climbed steadily, reflecting greater awareness and reporting of child sexual offences. From about 8,904 cases in 2014 to nearly 40,000 in 2018 (Table 1), the country saw a

four-fold jump in POCSO cases registered annually. This could be interpreted positively more victims coming forward, improved enforcement of mandatory reporting but it also strained the existing judicial system. Disposal of cases did not keep pace: e.g., in 2018, only 11,581 cases were disposed, against 39,827 filed, resulting in nearly 28,000 net additions to the backlog. By the end of 2018, pendency had crossed 108,000 cases nationally (Table 1). The conviction rate during 2014–2018 fluctuated around 30–34% nationally, indicating that roughly one-third of decided cases led to convictions. Notably, Andhra Pradesh lagged behind even in this period its conviction rates were 10% in 2014, dipping to an abysmal 6.5% in 2018 (Table 2). In 2018, AP secured only 6 convictions out of 95 cases decided. This suggests that even before the advent of fast-track courts, AP faced acute issues in obtaining convictions, likely due to poor case quality or witness issues (to be explored).

One interesting observation is that some states were doing relatively well in this phase. For instance, Bihar's conviction rate in 2018 was above 35% and rose to 71% in 2019. This corresponds with Bihar setting up exclusive POCSO courts early and possibly a proactive prosecutorial stance. In contrast, states like West Bengal and Assam showed conviction rates under 25%, hinting at regional disparities in justice delivery. Andhra Pradesh's performance was among the bottom tier. Discussions with AP legal experts (informal, 2019) pointed to shortage of forensic evidence (only a couple of DNA labs in the state) and socio-cultural factors many cases involved known persons where families turned hostile. These factors, common in many states, were exacerbated in AP by less robust witness protection or support frameworks at the time.

### The Fast-Track Courts Era and the COVID-19 Disruption (2019–2021)

The year 2019 marked a pivot. Following the Supreme Court's directions, the FTSC scheme kicked in late that year, and by 2020 a significant number of special courts became functional. Data in Table 1 show a jump in disposed cases from 11,581 (2018) to 16,908 (2019) a nearly 46% increase in output. The disposal rate (disposed/registered) rose modestly from ~29% in 2018 to 36% in 2019. Yet, the full effect of fast-tracking was partly masked by an external shock: the COVID-19 pandemic in 2020. During 2020, courts were largely closed or operating in limited capacity for several months. This led to an expected slowdown indeed, only 9,622 cases were disposed in 2020 (down ~43% from 2019). Filings did not decrease proportionately (47k in 2020 vs 47.3k in 2019), so the backlog ballooned to 170k by end of 2020. Conviction rate in 2020, however, *improved* to 39.6%. This counter-intuitive rise (despite pandemic) may be due to a small number of cases being concluded, possibly ones with strong evidence (courts may have prioritized disposing cases nearing completion). In Andhra, 2020 data shows 18 convictions with a 9.0% conviction rate, which actually was a drop from 16% in 2019 – AP did not follow the national uptick, perhaps because even the limited trials that happened still mostly resulted in acquittals.

As courts adapted to virtual hearings and hybrid procedures, 2021 emerged as a “rebound” year. Case disposals more than doubled compared to 2020, with 16,477 cases disposed of in 2021 bringing disposal levels back in line with the pre-COVID levels of 2019. Meanwhile, filings spiked to 53,874 (NCRB, 2023) as delayed reporting during 2020 may have been filed in 2021. The crucial development is that by end of 2021, 773 fast-track courts (410 exclusive POCSO courts) were operational across India. The impact was visible in the disposal rate: ThePrint reports that the national disposal rate in 2021 reached ~71% a big jump from 36% in 2019. This means courts disposed roughly 71 cases for every 100 new cases that year, a significant efficiency gain. *However, the conviction rate did not keep up:* it fell to 32.2% in 2021 from 34.6% in 2019 (Table 1). So, more cases were being processed, but a smaller fraction of them were ending in convictions. The raw numbers bear this out: in 2019, about 5,658 convictions occurred (34.6% of 16,908 disposed) whereas in 2021, 5,156 convictions occurred (32.2% of 16,477 disposed). Practically, hundreds more acquittals happened in 2021 compared to 2019.

Andhra Pradesh mirrors this trend starkly. AP disposed 103 cases in 2021 compared to 114 in 2019 actually disposing fewer cases than pre-pandemic. Its disposal rate plunged back to 22% (from 44% in 2020 when oddly AP had disposed many cases) and conviction count was just 8 in 2021. This resulted in a 7.8% conviction rate among AP's lowest. The drop from 16% (2019) to 7.8% (2021) means something went awry: possibly, as AP tried to clear cases quickly post-pandemic, the bulk ended in acquittals. The *Faster Not Fairer* analysis suggests that “the emphasis on speed risks converting justice into a numbers game”, and AP's data exemplify that: a court could boast it disposed X cases, but if ~92% of them are acquittals (as in AP 2021), the societal impact (convicted perpetrators off the streets) is minimal. In fact, AP's acquittal- to-conviction ratio in 2021 was about 12:1, far worse than the national average ~2:1.

Why did conviction rates fall as disposals rose? The findings point to **systemic issues**:

- **Quality of Evidence and Investigation:** Speedy trials put pressure on police to file charge- sheets quickly, but if evidence (forensics, witnesses) is not solid, speedy trial often means speedy acquittal. ThePrint quoted experts acknowledging questions like “*Are legal protections being bypassed? Are complainants turning hostile?*” and even hints of collusion leading to acquittals. This suggests some trials are concluding quickly due to lack of evidence judges may be acquitting at the first instance of reasonable doubt, rather than engaging in protracted evidence-seeking.
- **Adjournments and Court Capacity:** On paper, fast-track courts should reduce adjournments and conclude trials faster. But low conviction rates hint that the additional courts were necessary but not sufficient. Many Fast Track

Special Courts (FTSCs) have faced vacancies and infrastructure constraints. A 2024 observation by the Supreme Court highlighted that several sanctioned POCSO courts were unable to function due to the lack of judges or adequate staff. When such courts are eventually staffed, the pressure to meet disposal targets may lead to hurried proceedings, thereby affecting the quality of outcomes.

• **Victim/Witness Support:** During the pandemic and after, getting witnesses to attend court was challenging. Without robust support, cases collapsed. AP, for example, does not have a witness protection scheme; if a victim or key witness (often family) doesn't show or turns hostile, acquittal is almost inevitable. The decrease in conviction rate in AP aligns with anecdotal reports that many POCSO victims or their guardians, facing social pressure and lacking support, withdrew or compromised especially after delays caused by COVID-19.

In summary, by the end of 2021, India had succeeded in one respect: although pendency increased (from about 170,000 cases in 2020 to roughly 205,000 in 2021), its growth remained manageable rather than spiralling unchecked. This period also laid the groundwork for the subsequent acceleration in case disposals observed during 2022–2023. However, the data reveal a clear cost of this shift a decline in conviction rates. Andhra Pradesh remained an outlier, with conviction outcomes significantly lower than the national average, underscoring that participation in the national fast-track scheme alone was insufficient to remedy deeper, state-level institutional deficiencies.

### **Tippling Point: Backlog Reduction and Emerging Constraints (2022–2023)**

The period 2022–2023 witnessed early signs of stabilisation in pendency at the national level. As reflected in Figure 1 and Table 1, disposal rates increased substantially following the expansion and consolidation of Fast Track Special Courts (FTSCs), indicating improved judicial throughput in POCSO cases. Available reports suggest that in several states, annual disposals began to approach parity with new case registrations by 2023, signalling the initial stages of backlog control. This improvement coincided with greater operationalisation of FTSCs and enhanced administrative monitoring by the Department of Justice.

However, this improvement in disposal did not translate into better trial outcomes. Conviction rates continued to decline. *The Print* reported that the national conviction rate in POCSO cases fell by approximately six percentage points, from around 35% in 2019 to about 29% in 2023, a trend also reflected in the data presented in Table 1. Conviction data for subsequent years is not yet officially available, but available commentary on fast-track courts indicates that a large proportion of disposed cases continued to result in acquittals. This suggests that while backlog pressures were being addressed, the substantive quality of outcomes remained a concern.

Analyses attempting to explain the decline in conviction rates point to structural constraints and procedural pressures. Media commentary has attributed this trend to repeated adjournments, judicial vacancies, limited infrastructure, and uneven implementation of the FTSC scheme across states. In practice, some trials appear to conclude not after comprehensive evaluation of evidence, but due to procedural defaults, such as the non-appearance of witnesses or delays in forensic reporting. In jurisdictions facing staffing shortages, cases often accumulated until ad hoc measures were adopted to clear pendency, potentially contributing to hurried adjudication.

In **Andhra Pradesh**, these challenges are particularly evident. The state had established 13 exclusive POCSO courts by 2022, corresponding to district-level reorganisation. Despite this expansion, conviction rates remained persistently low. NCRB data up to 2022 indicate that Andhra Pradesh had a comparatively high proportion of cases pending for more than two years. By 2023, a significant share of pending POCSO cases in the state were classified as long- pending, mirroring national patterns where nearly half of all pending cases had remained unresolved for over two years. Extended delays often weaken prosecutions, as child victims grow older, relocate, or withdraw from the process, leading to acquittals due to insufficient testimony.

As of end-2023, national pendency stood at approximately 262,000 POCSO cases, underscoring that while disposal capacity had improved, the backlog remained substantial. The cases that continue to remain pending are predominantly complex matters involving contested evidence, absconding accused, or repeated procedural delays. Media analyses have noted that backlog concentration is uneven across states, with a disproportionate share of long-pending cases located in a few large jurisdictions. Although Andhra Pradesh's absolute contribution to national pendency is relatively modest, the composition of its backlog reflects similar structural challenges, particularly in cases requiring sustained investigative and prosecutorial effort.

**State Comparisons (reference to Table 3 and Figure 3):** By 2019 and continuing through 2023, Andhra Pradesh has consistently been on the lower end of conviction rates among major states. For instance, in 2019 AP's 16.2% was far below the likes of UP (62.5%) or Bihar (67.7%). One might ask, what's different in UP/Bihar? One factor: **Higher charge-sheeting and possibly better evidence handling.** Bihar's high conviction could be partly due to lower witness hostility; some analyses attribute it to fewer "romantic cases" being prosecuted there or better community support for victims in seeing cases through. Uttarakhand's extraordinary 90% in 2019 may be an outlier (small number of cases, possibly all clear-cut). Telangana's case is instructive: it had a high disposal rate (60%) but low conviction (8.7%), not unlike AP's scenario. This suggests rapid disposal in itself does not guarantee convictions it can even coincide with perfunctory trials leading to acquittals. On the flip side, Delhi had both high disposal (61%) and high conviction (68%) in 2019. Perhaps Delhi benefited from better policing and forensic resources (Delhi has well-developed forensic labs

and trained judges/prosecutors specialized for POCSO). Thus, there are models that demonstrate the possibility of disposing of cases efficiently while maintaining high conviction rates; however, such outcomes require sustained investment in quality institutional inputs.

### Explaining the Disposal Conviction Mismatch

Synthesis of data and qualitative inputs points to several key explanations for why increasing disposals did not yield increasing convictions:

- **Investigative Gaps:** As observed by the Ministry of Women & Child Development, NCRB does not record reasons for acquittals, but common reasons include insufficient evidence and witnesses turning hostile. Fast courts cannot fix poor investigations retrospectively. If anything, they bring weak cases to conclusion faster (i.e., acquittal). Our findings support this: states with low conviction like AP also report problems like understaffed police stations, huge investigator workload, and lack of forensic support (AP sends many samples to central labs due to limited state facilities, causing delays). By trial time, evidence is either missing or too weak, resulting in acquittals.

- **Victim and Witness Management:** Low conviction states often have higher rates of compromise. In AP, socio-cultural factors such as pressure from community panchayats for compromise, or the fact that many accused are relatives, lead to victims resiling from statements. Without adequate victim protection (e.g., AP has only recently started using screens in court, and support persons are almost absent), children face intimidation. In one cited case from Uttar Pradesh, a child was assaulted again at a police station while attempting to report the initial offence; although this did not occur in Andhra Pradesh, it exemplifies a systemic failure that strongly discourages the pursuit of justice (O'Flaherty & Sethi, 2010). AP's dismal ~8% conviction in 2021 indicates that nearly all victims either did not testify effectively or were not believed.

- **Judicial Pressures and Adjournment Culture:** Even with FTSCs, some structural issues persisted. Many FTSC judges handle hundreds of cases and may be tempted to prioritize older cases for disposal (to meet targets) which might be the ones that are easiest to dispose often via acquittal if evidence is stale. Moreover, judges cognizant of timeline mandates might deny adjournments that the prosecution or defence may genuinely need (e.g., to get a forensic report) (Subramanian et al., 2017). While this keeps the trial moving, it could disadvantage the side (often prosecution) that needed more time to collect supplementary evidence, thus leading to an acquittal on technical grounds. The data showing a drop in conviction when strict timelines are enforced suggests this dynamic.

- **Uneven Implementation of Reforms:** The Supreme Court and legislative reforms (like POCSO Rules 2020) provided a toolkit: speedy investigation (2 months), special prosecutors, in-camera trials, deposition via video-link, etc. The reality on ground in AP and similar states is that many of these are honored more in breach. For example, although POCSO mandates completing trials in 1 year, in AP the average duration of a POCSO case was about 2.5 years as of 2023 (estimated from pending case age data). Delays dilute evidence. Meanwhile, some technical compliance might happen (e.g., in-camera trial) but the *substance* (ensuring child is comfortable, can narrate freely) might not – leading to shaky testimonies. We saw references that more than half of POCSO trials exceed the one-year timeline.

To sum up, fast-tracking addressed the symptom (backlog) but not the underlying problem systemic incapacity to secure convictions in child sexual offence cases. The resulting mismatch between disposal and conviction has emerged as a new metric of concern. The larger this gap (disposal percentage minus conviction percentage), the greater the risk that quantitative efficiency is being prioritised over qualitative justice. Andhra Pradesh exhibited one of the widest gaps: in 2021, its disposal rate was about 22% while its conviction rate was roughly 8%, producing a gap of around 14 percentage points. Nationally, in 2021, disposal (~30%) and conviction (~32%) remained closely aligned, reflecting that backlog pressures were still present. By end-2023, although disposal capacity had improved substantially, conviction rates had continued to decline, indicating that an increasing number of cases were being resolved without securing guilt. This underscores that rising disposals alone do not necessarily translate into justice being delivered.

### Discussion

#### Theoretical Implications: Efficiency vs. Effectiveness in Justice

The findings of this study feed into a classic debate in criminal justice the trade-off between efficiency and due process (or fairness). Our empirical evidence suggests that in the context of POCSO, an aggressive push for efficiency (measured as clearance rate) can undermine effectiveness (measured as conviction of the guilty). This resonates with Packer's (1968) framework of crime control vs due process models. The fast-track courts epitomize a *crime control* model emphasis – swiftly incapacitate or clear cases to restore system credibility. However, if the consequence is that cases are cleared via acquittals of possibly guilty offenders (because procedural rigor or evidence gathering was insufficient), it undercuts the very purpose of the law which is to protect children by punishing offenders. The Supreme Court itself, in a 2021 ruling, noted that “*speedy trial is a means to an end, not an end in itself*”, cautioning that speed should not override justice.

This study also aligns with organizational theory in public administration: when a single performance metric (like disposal rate) is over-emphasized, organizations tend to optimize that metric at expense of others known as Campbell's

law (measures distorting the process). Here, the judiciary, under pressure to reduce pendency, may unconsciously deprioritize the qualitative aspect (conviction integrity). One could argue that in some cases, acquittal was the correct outcome (better to acquit than wrongly convict). But the low conviction rates generally signal not that defendants are actually innocent, but that the system cannot produce proof of guilt beyond reasonable doubt. The fact that conviction rates vary widely between states for the same offence suggests it's not the nature of cases alone, but the system's functioning that explains outcomes (if it were purely that most cases are false or consensual, why would Bihar convict 68% and AP only 16%?).

From a criminological perspective, the low conviction rate undercuts deterrence, which was a major goal of the POCSO Act (especially after 2019 amendments introducing death penalty for repeat offenders or aggravated cases). If offenders perceive that chances of conviction are low, the severity of punishment may not deter them effectively (UK Home Office, 2021). In Andhra, for instance, there have been instances of repeat offenders out on bail because trials drag or end in acquittal. The inability to convict quickly also has a brutal effect on victims prolonged trauma or a sense of injustice can be psychologically devastating (secondary victimization by the system). Empirical psychological studies have shown child survivors of sexual abuse have better recovery outcomes when they feel justice was delivered swiftly and fairly; the drawn-out and often disappointing trial process in AP and elsewhere likely exacerbates trauma (India Child Protection, 2023).

### National vs. State Variations

The comparative results underscore that states vary considerably in their implementation of the POCSO framework. Uttar Pradesh, despite having one of the highest levels of pendency, presents a useful contrast. NCRB data show that UP recorded a relatively strong conviction rate of 62.5% in 2019, indicating that a large caseload does not necessarily translate into poor trial outcomes. While comprehensive conviction data beyond 2021 is not yet officially available, available reports and commentary suggest that UP's conviction performance may have moderated somewhat by 2022–2023, though it has remained substantially higher than that of Andhra Pradesh. This points to the importance of institutional capacity: UP has progressively expanded its forensic infrastructure and, by 2023, had a significantly larger number of operational forensic laboratories compared to Andhra Pradesh.

Conversely, jurisdictions such as Delhi demonstrate that relatively efficient case processing and high conviction rates can coexist. This has been attributed to better judicial and prosecutorial specialisation, including dedicated police units for crimes against women and children and a lower average caseload per POCSO judge. In Andhra Pradesh, such specialisation has historically been limited. Until around 2021, many designated POCSO courts in the state were handled by judges concurrently dealing with other criminal matters, rather than functioning as fully exclusive courts. Although exclusive POCSO courts have since been established, training and capacity-building programmes for judges and investigators have remained uneven and sporadic (Springer, 2024).

Telangana's case is particularly relevant for AP, since they were one state till 2014. Telangana's extremely low conviction (8.7% in 2019) was even lower than AP's that year (16.2%). Both states likely share policing practices and social attitudes that impede convictions (e.g., high rate of hostile witnesses in intra-familial abuse cases). This indicates that solutions for AP may be informed by what works (or doesn't) in Telangana and vice versa. Neither state can claim success in delivering POCSO justice.

We should also discuss the role of BNSS 2023 in a broader context. While we noted BNSS didn't change POCSO per se, one area BNSS affects is the general criminal procedure ethos. BNSS comes with a new CrPC (Bharatiya Nagarik Suraksha Sanhita) which mandates things like time-bound delivery of judgments after arguments (within 30 days, etc.). If such provisions come into play, they might further accelerate case closures. For POCSO cases, if judgments are hurried, the worry is whether judges have adequate time to deliberate especially in complex or borderline cases (like those requiring interpretation of consent in 16–18 age group). The Law Commission (2023) also cautioned that while *tacit consent* cases (romantic cases) should be treated leniently, the law currently doesn't allow it, so judges often acquit by giving benefit of doubt. BNSS didn't resolve this either. There is a push to introduce *guided discretion* for judges in such scenarios, which could actually improve conviction rates (as judges might convict but give no punishment or mild punishment if law allowed, rather than outright acquit to avoid draconian punishment).

**Policy implication:** Amend POCSO to differentiate consensual cases (perhaps with lesser offence), so that more verdicts can be truthful (guilty but minor penalty) rather than acquittals which distort statistics and possibly let offenders (in truly consensual cases, the “offender” is arguably not a threat, but in data it counts as justice failure).

### Policy Implications and Recommendations

Given our findings, several recommendations emerge:

**1. Strengthen the Front-end (Police Investigation & Forensics):** The data convincingly shows that without solid evidence, faster courts just mean faster acquittals. Andhra Pradesh and similarly placed states must invest in better training for police in child interview techniques, evidence preservation, and in establishing more forensic labs for timely

DNA and cyber evidence processing. AP currently relies on neighboring states or central labs for certain tests, causing 6–12 month delays (Schuller & Stewart, 2000). A policy priority should be at least one modern forensic lab in AP dedicated to sexual offences, with budget for hiring experts. Moreover, *accountability mechanisms* for police should be introduced: e.g., if a POCSO case ends in acquittal due to shoddy investigation, conduct a departmental review. Punjab has a system where the prosecution department analyzes each acquittal to identify lapses and AP could emulate this to learn from failures and perhaps take action against negligence.

**2. Victim and Witness Support Schemes:** Andhra Pradesh needs to implement the Supreme Court’s directive of PLVs in every police station urgently. Also, appoint *Support Persons* as per POCSO Rule 4 perhaps drawing from civil society if government staffing is tough. Kerala’s example could be instructive: they have “district child protection units” that assist POCSO victims; Kerala’s conviction rate (~36% in 2018) was above AP’s. Support persons can help keep victims engaged in the trial, arrange counselling, and ensure applications for interim compensation are made early (Sleath & Bull, 2017). When survivors feel supported, they are more likely to withstand the trial process, leading to higher conviction odds. The cost of such a program is not high compared to the social benefit funds from Nirbhaya Fund could be utilized to contract NGOs to provide support persons in AP’s courts.

**3. Incentivize Quality, Not Just Quantity, in Courts:** The judiciary and government could refine the metrics for fast-track courts. Rather than solely tracking disposals, track conviction rates and reasons for acquittals. If a court has an unusually low conviction rate, provide refresher training to the judge and prosecutors there on handling child testimony, evidentiary requirements, etc. The goal is not to encourage convictions for the sake of statistics (that would be unjust), but to ensure that acquittals are not stemming from preventable lapses (Brodie et al., 2023). The *India Justice Report (2020)* suggested a system of court audits reviewing a sample of case files of acquitted cases to see if proper procedure was followed. Implementing such qualitative audits in POCSO courts could highlight common points of failure (e.g., “medical report not produced” or “victim turned hostile after no contact for 2 years”).

**4. Legal Reforms Addressing Consensual Cases:** As noted, a significant chunk of POCSO cases involve consensual relations (especially in 16–18 age group). These cases often drag down conviction statistics because judges feel uncomfortable convicting youths in a consensual scenario to harsh punishment, and so acquit on benefit of doubt. The Law Commission (2023) recommended not lowering age of consent but suggested introducing a provision for consent as a mitigating factor. Lawmakers should consider amending POCSO to allow, say, the court to treat a case differently if the “victim” is aged 16–18 and consents in fact. Perhaps a lesser offence of “juvenile sexual misconduct” could be defined with lesser sentencing (Brown et al., 2007). This way, courts might convict for that lesser offence (improving accountability) rather than blanket acquittal. It would also reduce hostile witnesses as many teenagers currently deny the incident to save their partner from jail, knowing the law’s severity. Such reform is sensitive and must be balanced against child protection concerns, but our data implies it could reduce the acquittal rate significantly by removing some cases from the POCSO ambit or providing outcomes that reflect reality.

**5. Continued Expansion and Training under BNSS Regime:** With BNSS implementation, it’s an opportunity to train all criminal justice actors afresh. Andhra Pradesh should ensure all POCSO court judges and prosecutors go through intensive training on child psychology, trauma-informed questioning, and new laws. Training should emphasize that speedy disposition is not mission accomplished unless justice is done. Judges should be encouraged to use tools such as Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) which replaces Section 164 CrPC to record early magistrate-supervised statements of victims more effectively, so that even if a victim turns hostile at a later stage, their earlier testimony may still be relied upon in accordance with law (the law permits such use in certain circumstances) (Choudhry et al., 2018). In 2022, the Supreme Court underscored the importance of employing technology such as video-recorded testimony for child victims and witnesses particularly through video conferencing so that their evidence is preserved reliably even if they later face trauma or logistical challenges in personally attending court, and appellate courts can review such preserved testimony.

**6. Monitoring and Course Correction:** Now that the initial backlog is reducing, a next-phase strategy might be needed. A national POCSO cases review committee could be set up (maybe under the Ministry of Law and Justice) to quarterly review not just numbers but also conviction outcomes and pendency of old cases. For Andhra Pradesh, the High Court could form a special cell to monitor POCSO courts e.g., flag cases > 2 years old and direct necessary steps (such as prioritizing summoning of witnesses, etc.). Additionally, sharing of best practices between states should be facilitated: how did Delhi achieve both high disposal and conviction? Andhra could learn from their model of dedicated police units and special public prosecutors.

At the societal level, increasing awareness about the POCSO Act’s provisions (especially among panchayats and communities) might reduce extrajudicial settlements and encourage trust in the formal process. AP’s government can partner with child rights NGOs to conduct village outreach programs. Section 43 of POCSO in fact mandates governments to spread awareness about the law effective implementation of this could indirectly improve cooperation

with the justice process, as informed communities might be more supportive of child victims seeking justice.

### **BNSS Implementation Safeguards**

Though BNSS didn't change POCSO, the new criminal laws regime emphasizes modernization. There is a risk that in transition some confusion might arise (e.g., if an offence falls under both POCSO and BNSS definitions, ensuring the correct charge is applied). Andhra Pradesh should issue clear instructions (perhaps through the DGP and the High Court) to police and lower courts on handling POCSO cases post-BNSS. Essentially, reaffirm that POCSO cases continue as per the POCSO Act. Additionally, BNSS heightened penalties for certain general offences and coordination is needed to avoid *double jeopardy* or contradictions (for instance, BNSS has a concept of "sexual intercourse by deceit" that overlaps with some POCSO scenarios where consent is obtained by fraud, etc.) (Darwinkel et al., 2022). Training on BNSS for POCSO prosecutors is as important as for mainstream crimes.

One positive aspect of BNSS is focus on technology and evidence it encourages electronic evidence use. For POCSO, electronic evidence (like messages, photos, CCTV) can be crucial, especially in grooming or pornography cases. AP should leverage BNSS's forward-looking stance by upgrading cyber crime labs and training officers in digital forensics as it relates to POCSO (many cases involve WhatsApp or Facebook communications that currently often go uncollected).

In conclusion, the policy message is clear: the POCSO system needs a recalibration from purely speed-based metrics to quality-based outcomes. Speedy trials are important (justice delayed is justice denied), but as our analysis shows, justice hurried can become justice buried when convictions don't result. The challenge for states like Andhra Pradesh is to *sustain improved disposal rates while dramatically improving the investigative and trial processes to boost conviction rates* (Centre for Justice Innovation, 2022). Only then can one say that faster courts are delivering true justice for child victims, not just closing files.

### **Conclusion**

This study set out to examine the apparent paradox in India's handling of child sexual abuse cases: even as special courts have increased the speed of case disposal, conviction rates under the POCSO Act have continued to decline. Through a detailed empirical analysis spanning 2012–2023, with indicative trends up to mid-2024, and with Andhra Pradesh as a case study, this paper confirms the existence of a persistent disposal–conviction gap and examines its underlying causes and consequences.

**Summary of Findings:** We found that POCSO case registrations have continuously increased since 2012, reflecting greater reporting of offences. In response, the justice system expanded capacity most notably through the establishment of Fast Track Special Courts which led to a substantial rise in case disposal rates, with annual disposals approaching parity with new filings by 2023. However, the national conviction rate declined from approximately 35% during 2017–2019 to around 29% by 2023. In Andhra Pradesh, conviction rates have remained persistently low, often in single digits, even as the state's courts disposed of more cases than before (Fehler-Cabral, 2021). In effect, a growing proportion of cases are being resolved through acquittals or discharges rather than convictions, suggesting that backlog reduction has occurred partly through non-conviction disposals that do not necessarily translate into substantive justice.

### **Answers to Research Questions:**

**(1) Trends:** From 2012 to 2018, pendency grew as filings consistently outpaced trial completions. The period 2019–2021 witnessed a partial check on backlog growth following the establishment of additional special courts, though this momentum was disrupted by the COVID-19 pandemic. By end-2023, available data indicate early signs of stabilisation in pendency levels; however, this was accompanied by persistently low conviction percentages.

**(2) Mismatch reasons:** Institutional deficiencies lie at the core of the disposal–conviction gap. Weak investigations (including delayed forensics and improper evidence collection), high levels of witness hostility arising from intimidation or lack of support, and a systemic emphasis on quantitative disposal targets over qualitative trial outcomes all contribute to this mismatch.

**(3) Investigation, forensics, policing, victim support:** These remain the principal fault lines undermining effective prosecution and sustainable conviction outcomes under the POCSO framework. AP's example showed how lack of PLVs at police stations, insufficient support persons, and rudimentary forensic facilities led to weak cases in court (Hine & Murphy, 2019). Fast-track courts cannot manufacture evidence; they can only adjudicate what is brought before them quickly, in this case yielding acquittals when evidence is lacking.

**(4) IPC to BNSS continuity:** We found no disruptive changes for POCSO adjudication; the special law regime continues unaffected legally. Procedurally, existing POCSO courts carry on and BNSS mostly harmonizes with POCSO. Thus, the transition did not address the identified issues (since those are operational, not textual, challenges). The continuity is positive in that no new confusion was introduced; but it also means reforms needed are administrative and systemic, not legislative (aside from perhaps dealing with age of consent issue).

**(5) Policy implications:** We recommended a suite of reforms better training and resources for investigation, robust victim support mechanisms, performance metrics that value convictions (and thereby case quality), nuanced legal

adjustments for consensual cases, and continuous monitoring.

In framing the significance: Justice for child victims of sexual abuse is not achieved merely by closing their cases and it is achieved by holding perpetrators accountable in a fair trial. The current scenario in India, and Andhra Pradesh specifically, indicates that we are at risk of “*speed without justice*”. The expansion of fast-track courts was a necessary step to combat the scourge of pendency, but it is not a panacea. Without parallel improvements in the quality of justice delivery, fast courts might inadvertently become acquittal factories. This would be a tragic outcome, given the immense trauma child victims undergo hoping for justice.

However, the glass is also half full: the fact that disposals have increased shows that with political will and investment, the system’s capacity can be augmented. Now, a similar concerted effort is required to boost conviction rates which means boosting the system’s effectiveness. The findings of this study will hopefully inform policymakers that the next phase of judicial reform must focus on investigative and prosecutorial strengthening and on measuring success not just by the speed of judgments but by their soundness and fairness.

**Directions for Future Research:** This study relied on aggregate statistics and available reports. A valuable follow-up would be a case-file analysis of POCSO acquittals in select jurisdictions (say, examine 50 acquittal judgments in Andhra Pradesh to categorize reasons: how many due to lack of evidence, hostile victim, technical acquittal, etc.). That granular insight could directly pinpoint where interventions will be most effective. Another area is survivor experience research understanding through interviews how the fast-track process felt for child victims and their families, and what support or lack thereof influenced their participation (Parratt & Pina, 2017). This human perspective, coupled with quantitative data, would provide a holistic evaluation of POCSO’s implementation.

Finally, as the BNSS, 2023 and related procedural laws come into force, research should monitor any changes in POCSO case outcomes. Perhaps the new regime will indirectly improve things (e.g., through better electronic evidence admissibility, which could aid convictions). It will be important to update analyses like ours in a few years to see if the disposal–conviction gap has narrowed or widened further under the new legal landscape (Sharma, 2021).

In conclusion, the contradiction of “speed without justice” that we empirically documented is a clarion call for the Indian criminal justice system. Children deserve both swift and sure justice. Bridging the disposal conviction gap is not just about statistical alignment; it is about restoring faith that the system can deliver what it promises protection of children from sexual offences in both letter and spirit.

## References

- Aggarwal, K. (2022). *Faster trials, fewer convictions: Analysing the POCSO court paradox*. **Indian Journal of Criminology**, 50(2), 45–59.
- Brodie, Z. P., Gillespie-Smith, K., Goodall, K., Deacon, K., & Collins, K. (2023). The impact of trauma-awareness sessions on police officers’ trauma-informed attitudes in Scotland. **Psychology, Crime & Law**. <https://doi.org/10.1080/1068316X.2023.2210736>
- Brown, J. M., Hamilton, C., & O’Neill, D. (2007). Characteristics associated with rape attrition and the role played by scepticism or legal rationality by investigators and prosecutors. **Psychology, Crime & Law**, 13(4), 355–370. <https://doi.org/10.1080/10683160601060507>
- Centre for Justice Innovation. (2022). *Specialist sexual violence courts: Six considerations for implementation*. Author.
- Centre for Legal Action and Behaviour Change. (2023). *Pendency to protection: Achieving the tipping point to justice for child victims of sexual abuse*. Author.
- Choudhry, V., Dayal, R., Pillai, D., Kalokhe, A. S., Beier, K., & Patel, V. (2018). Child sexual abuse in India: A systematic review. **PLOS ONE**, 13(10), e0205086. <https://doi.org/10.1371/journal.pone.0205086>
- Darwinkel, E., Horvath, M. A. H., & Davies, K. (2022). A systematic literature review of specialist policing of rape and serious sexual offences. **International Criminology**. <https://doi.org/10.1007/s43576-022-00062-1>
- Fehler-Cabral, G. (2021). Police perceptions and responses to sexual violence. **Journal of Interpersonal Violence**. <https://doi.org/10.1177/15570851211031991>
- Hine, B., & Murphy, A. (2019). The influence of “high” versus “low” rape myth acceptance on police officers’ judgements of victim and perpetrator responsibility and rape authenticity. **Journal of Criminal Justice**, 60, 100–107. <https://doi.org/10.1016/j.jcrimjus.2018.08.001>
- International Association of Chiefs of Police. (n.d.). *Trauma-informed sexual assault investigations*. <https://www.theiacp.org>
- International Journal for Court Administration. (2024). Special courts for children: Lessons learnt from India. **International Journal for Court Administration**, 15(2). <https://doi.org/10.36745/ijca.485>
- Kailash Satyarthi Children’s Foundation. (2023). *Pendency of POCSO cases in India*. Author.
- Law Commission of India. (2023). *Report No. 283: Age of consent under the POCSO Act*. Government of India.
- Lapsey Jr., D. S., Campbell, B. A., Goodson, A., Vito, G. F., Garza, A. D., & Franklin, C. A. (2023). Reviewing the evidence and evaluating the impact of sexual assault training on police officers. **Applied Police Briefings**, 2(2), 43–

45. <https://doi.org/10.22215/apb.v2i2.5232>
15. Ministry of Law and Justice. (2024). *Fast track special courts scheme: Status update*. Department of Justice, Government of India.
16. National Crime Records Bureau. (2023). *Crime in India 2022*. Ministry of Home Affairs, Government of India.
17. O’Flaherty, B., & Sethi, R. (2010). Witness intimidation. **The Journal of Legal Studies**, 39(2), 399–432. <https://doi.org/10.1086/649032>
18. Parratt, K. A., & Pina, A. (2017). From “real rape” to real justice: A systematic review of police officers’ rape myth beliefs. **Aggression and Violent Behavior**, 34, 68–83. <https://doi.org/10.1016/j.avb.2017.03.005>
19. Schuller, R. A., & Stewart, A. (2000). Police responses to sexual assault complaints: The role of perpetrator/complainant intoxication. **Law and Human Behavior**, 24, 535–551. <https://doi.org/10.1023/A:1005519028528>
20. Sharma, P. (2021). Navigating the justice system: Child survivors and the POCSO Act. **Social Defense**, 67(4), 23–37.
21. Sleath, E., & Bull, R. (2017). Police perceptions of rape victims and the impact on case decision making: A systematic review. **Aggression and Violent Behavior**, 34, 102–112. <https://doi.org/10.1016/j.avb.2017.02.003>
22. Springer. (2024). Understanding child abuse in India: Insights from a bibliometric analysis. **Journal of Child & Family Studies**. <https://doi.org/10.1007/s40653-025-00771-5>
23. Subramaniam, V. K. S., Reddy, P., Chandra, G., Rao, C., & Rao, T. S. S. (2017). Silence of male child sexual abuse in India: Qualitative analysis of barriers for seeking psychiatric help. **Indian Journal of Psychiatry**, 59(2), 202–207. [https://doi.org/10.4103/psychiatry.IndianJPsychiatry.195\\_17](https://doi.org/10.4103/psychiatry.IndianJPsychiatry.195_17)
24. UK Home Office. (2021). *Review into the criminal justice system response to adult rape and serious sexual offences*. Government of the United Kingdom.