

Do Special Courts Make A Difference? A Comparative Assessment Of Atrocity Case Disposal Trends In Moradabad Division

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Abstract

Exclusive Special Courts created in accordance to Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are created to guarantee the rapid, sensitive, and efficient judgment of atrocities cases. Nonetheless, there is little empirical research on whether these courts do enhance better delivery of justice. This paper aims to estimate and give a trend analysis of atrocity cases disposed of in the Moradabad Division under which the district of Moradabad, Bijnor, Amroha, Rampur and Sambhal are located. The study assesses court registration trends, case pendency, rate of disposal, case conviction and acquittal, and disposal time using ten years of secondary data in terms of court records, NCRB reports, district judiciary portals and police charge-sheet statistics. Special Courts and Regular Courts are compared in order to find out the differences in efficiency, the timelines of processes, and the results. The results indicate contradictory patterns, as in some areas Special Courts demonstrate an improved processing of chargesheets and less pendency whereas in other areas there is high acquittal rates, inadequate infrastructure, intimidation of witnesses and variation in prosecution make their work less effective. The paper finds that Special Courts have a large and disproportionate contribution to enhancing the delivery of justice but proposes some specific administrative, procedural, and policy changes in order to improve its effectiveness.

Keywords: Special Courts, SC/ST (Prevention of Atrocities) Act 1989, atrocity case disposal, case pendency, comparative assessment, trend analysis, Moradabad Division, conviction rate, judicial efficiency, criminal justice system, Scheduled Castes, Scheduled Tribes, access to justice.

1. INTRODUCTION

Criminals against Scheduled Castes (SCs) and Scheduled Tribes (STs) still manifest manifestations of social inequalities, even though in the constitution there are constitutional enforcement mechanisms and protective laws against crimes. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was initiated in order to stop caste based atrocities and provide justice to the victims in a timely manner who belong to the considered marginalized groups. Nonetheless, a sluggish nature of judicial proceedings and procrastination in cases disposal has remained one of the thorns in the enactment of the Act. In response to them, the Act offers the creation of Exclusive Special Courts, which shall focus on atrocity cases and simplify the flow of proceedings and a conducive environment, which will allow sensitive treatment of victims and witnesses. The courts were also supposed to lower the pendency, meet the rationale of promptness in the filing of charge-sheets, enhance efficiency in the trial and finally boost conviction rates (Baxi, 2000).

With respect to the Uttar Pradesh and the Moradabad Division in particular, the operation and empirical efficiency of these Special Courts is an issue requiring empirical research. The division (including the districts of Moradabad, Bijnor, Amroha, Rampur, and Sambhal) indicates that there are dissimilar results of atrocity cases every year, but the judicial results in different districts vary greatly (Dhavan, 2018). Despite the Special Courts that are present throughout these regions, it is still unknown whether they have played any role in enhancing the disposal time, reducing the pendency, or changed the success of the conviction. There is little research to give evidence on whether these courts are more effective than regular courts or whether there are systemic problems like poor investigation, hostility of the witnesses, caste pressures, and administrative constraints that still impact the performance of these courts.

This paper will attempt to address this gap by carrying out comparative and trend-based evaluation on the nature of atrocity cases disposed off in the Moradabad Division. It aims at finding out the measurable difference in the speed, efficiency, and performance of Special Courts in cases involving the SC/ST (PoA) Act. The research examines the larger trends in the case registration process, disposal, pendency, and patterns of conviction-acquittal based on the case registers, disposition of cases and acquittal rates in 5 to 10 years of judicial data, which covers 5 to 10 years of judicial data of the district courts, NCRB reports and police charge-sheet data. The comparative aspect of the research looks at the performance of Special Courts against the Regular Courts, and thus provides an evidence-based understanding of structural and procedural performance of the special judicial mechanism (Gupta, 2019).

Besides, the paper explores the major aspects that affect the judicial decisions such as delays in investigations, no protection of witnesses, bureaucratic bottlenecks, and power dynamics between the society and the cultures that influence persecution and adjudication of atrocity cases. The dimensions are important to understand since the idea of Special Courts is not solely about the speedy trials but is aimed to enhance the access to the judicial system among the previously marginalized groups and to reduce their disadvantages within the judicial system. The results of the current research are supposed to help to continue the discussion on the judicial reforms, to underline the advantages and disadvantages of Special Courts, and to prescribe the practical steps that can be taken to improve the work of these establishments.

On the whole, this study will contribute to answering one of the key questions to practitioners of the law and researchers: Are Special Courts indeed able to provide justice to SC/ST communities or are they becoming the continuation of the given systemic limitations? The Moradabad Division empirical evidence presented to answer this question makes the research timely insights into the reality of operations of Special Courts and how they can reinforce the justice delivery system under the SC/ST (PoA) Act (Kashyap, 2020).

2. REVIEW OF LITERATURE

Creation of fast-track and special courts in India has received extensive literature in judicial reform literature as a solution to the endemic delays in the delivery of criminal justice. According to scholars, the fast-track courts came about because of the necessity to eliminate systemic backloads, pendency, and favor sensitive cases, including sexual offences, atrocities against the SC/ST communities, and crimes against women. Such courts are theoretically based on the principle of focused judicial attention, i.e. certain benches are devoted to a particular type of cases, as a result, efficiency is enhanced due to specialization, lighter caseload, and continuous flow. The research on fast-track courts indicates that specialization facilitates the process of streamline; and improves the rates of disposition of cases; furthermore, their performance differs among states based on the available infrastructure, court staffing, and administrative coordination (Kumar and Singh, 2021).

Law on atrocities against Scheduled Castes and Scheduled Tribes is based on Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, which was created to curb caste based violence, discrimination, and exploitation. The Act acknowledges the institutionalized social inequalities and power systems that hinder justice to marginalized communities. Its stipulations include severe punishments, time-limited investigations, and increased protection of victims (Kumar, 2020). The amendment of 2015 made the Act even more powerful by establishing the necessity of Exclusive Special Courts and Special Public Prosecutors to facilitate a speedy trial and victim-sensitive process. Academic literature has seen these legal requirements as a move in the right direction in redressing historical injustices but various studies have indicated that the procedure implementation has been variable across districts (Law Commission of India, 2014).

Exclusive Special Courts have received specific interest in the socio-legal studies. According to the researchers, such courts are not only supposed to fast track litigations but also offer a court system where caste vulnerabilities are considered. Literature points out that courts have exclusive powers that permit continuous hearing, enhanced coordination of police and prosecution, and enhanced consistency in enforcing the PoA Act provisions. Nevertheless, practical assessments usually give conflicting findings. Districts that have well-resourced Special Courts have been reported to have a faster disposal and better conviction rates while others are struggling due to a lack of a judge, the lack of a well-developed prosecution, lack of proper witness support and frequent adjournments. Therefore, administrative realities tend to affect more the effectiveness of Special Courts than the will of the legislature (Law Commission of India, 2015). Past research on the efficiency of case disposal in Indian courts suggests that the delays witnessed in the judicial system is a complicated combination of structural causes, that include understaffing, case overload, and poor quality of investigation, and procedural lapses. Studies by the National Law University Delhi and other state-based ones as well as Vidhi Centre of Legal Policy show that the rate of conviction of cases of atrocities is low throughout the country, and it is often connected to the bad investigation, the absence of evidence, the hostility of witnesses, and the pressure of society and politics (Mehta, 2021). The literature devoted to Uttar Pradesh shows that the pendency rates are one of the highest in the country, and the differences in the results of the case outcome among the districts are observed. Even though there is certain literature that allows recognizing the positive results in the districts with active Special Courts, the general picture implies that even special judicial mechanisms cannot fix the systemic deficiencies (Ministry of Social Justice and Empowerment, 2016).

Although the literature on the topic is increasing, there are still considerable gaps. Little research provides a comparison of the district or division-based comparative evaluation in the performance of Special Courts compared to regular courts in atrocity case disposal (Ministry of Social Justice and Empowerment, 2020). Little research exists which monitors long-term trends, i.e. 5-10 years trends in pendency, registration and conviction rates, at the micro level. In addition, the available literature tends to generalize research results without considering the local socio-cultural processes, caste-based power, and differences in infrastructures that define judicial processes. Particularly, in case of the Moradabad Division, the empirical studies that investigate whether Special Courts have made a quantifiable change in the processing of the cases of SC/ST atrocity are near nonexistent (National Crime Records Bureau, 2015/2023). This disparity highlights the importance of systematic, comparative, and trend-based assessment to determine the real efficacy of Special Courts to provide justice to the deprived groups.

3. RESEARCH METHODOLOGY

The research design used in the study is a mixed-method research design, which will involve a secondary data analysis with field-based qualitative evidence to determine the efficacy of Special Courts on dealing with the atrocity cases in the Moradabad Division. The study is largely based on the secondary data sources, such as the National Crime Records Bureau (NCRB) Crime in India reports that will give the annual statistics on the registered atrocities, the rate of disposal, the rate of pendency, the rate of chargesheeted and the rate of acquittal (National Law University Delhi, 2018). These data sets are the most reputable country-wide data on crime patterns, and measures of judicial performance. Moreover, pertinent Law Commission of India Reports are consulted in order to comprehend the problem of delays in the judiciary in general, fast-track systems, and the logic of creating Special Courts. The analysis is backed up by the publications of the Ministry of Social Justice and Empowerment, which include the policy guidelines, annual reviews, and updates regarding the implementation of the SC/ST (PoA) Act (Sharma, 2019). In order to guarantee academic rigour, peer-reviewed research articles and legal commentaries are accessed in repositories such as SSRN, JSTOR, Manupatra and SCC Online to put the theoretical and analytical context into perspective. These are reliable and credible government and academic databases that are widely accepted in empirical research of the law.

The study uses the qualitative field based empirical evidence collected by use of structured interviews to supplement the quantitative data. These interviews are carried out with the important stakeholders who are directly involved in adjudication of atrocity cases which include; the District Judges, Special Court Judges, Special Public Prosecutors, the Investigating Officers and the victims or complainants who have agreed to take part in the interview. The interview questionnaire will be used to record information concerning the operational difficulties, delays in the process, witness related problems, quality of the investigations, resource limitation, and opinion about the Special Courts performance. The use of these voices makes the study obtain the socio-legal realities that cannot be achieved with the help of numerical data, including caste dynamics, intimidation risk, and administration bottlenecks (Poddar, 2022).

The analysis will combine the two types of data to carry out a comparative evaluation between Special Courts and Regular Courts on a number of important variables, including: disposal rate, pendency, duration of a case, and the results of a case in terms of convictions. Trend analysis: 5-10 years trend data of atrocity cases is used to find the patterns of atrocities in the long run in the Moradabad Division across the districts. The quantitative indicators are complemented by the qualitative findings to present the whole picture of the impact of the structural, procedural, and social factors on the outcomes of the judicial process. Ethical factors are followed, such as secrecy of the interview respondents and voluntary elimination (Vidhi Centre for Legal Policy, 2017). Such a mixed-method approach to the study design will guarantee a holistic, empirical-based research that can answer the question of whether Special Courts have produced a significant difference in the delivery of justice under the SC/ST (POA) Act.

4. PROFILE OF SPECIAL COURTS IN MORADABAD DIVISION

The Moradabad Division is an amalgamation of five large districts Moradabad, Bijnor, Rampur, Amroha and Sambhal each with its own Special Courts under the SC/ST (Prevention of Atrocities) Act to help speed up the trials of atrocities. The capacity and caseload of the district-wise structures differ, and more often than not, the Moradabad and Bijnor are the ones with the highest volume of work with a bigger population and higher reporting levels and Amroha and Sambhal are the ones with few courtrooms and judges who usually have limited staffing. At the division level, the general staffing pattern is a Special Judge (who, frequently, is also an Additional

District and Sessions Judge), individual prosecutors, clerical, and support staff, but interviews have identified recurrent shortages, high turnover, and lack of training on the provisions of the PoA Act. The infrastructure is also different depending on the district: some of the courts will be a part of the complex of integrated district courts, whereas the other will work in old buildings with weak technologies and poor spaces that can accommodate witnesses. According to the functional mandate of these courts as provided in the PoA Act and its amendments, the court should deliver prompt trials, prioritize atrocity cases and victim-centric procedures characterized by time-limited evidence preservation and protection measures. The operational changes have taken place over the years such as rise in sanctioned posts, upgrading of infrastructures and occasional administrative guidelines to curb pendency. Nevertheless, with these improvements, the differences in effectiveness on a district-by-district level can still be observed.

5. TRENDS IN ATROCITY CASES (5–10 YEAR ANALYSIS)

A review of atrocity case trends in the past 5-10 years shows that case registrations in most of the districts within the Moradabad Division have been increasing gradual, denoting more reporting and tracing of crimes as opposed to the growing number of crimes. The time interval between FIR registration and the charge-sheets indicates some significant difference, with certain districts showing almost the adherence to the time stipulated by the legislation (60 days), and others being characterized by incessant delays because of investigating backlog or lack of coordination between the police stations and prosecution offices. The case disposal rates by year show irregular trends, where the rate generally increases in any year with additional judges posted or where a set of state-wide monitoring directives is issued, but drops during staff shortages or during a pandemic. The trends in pendency indicate that the districts like Rampur and Moradabad have persistently high backloads, but the levels of pendency are relative in the areas of Amroha and Sambhal, partly because of the reduced cases inflow. The conviction-versus-acquittal patterns statewide reveal the issues with the quality of evidence, a negative witness, and the failure to follow the procedure properly; the acquittal rates are much higher in those cases when it comes to socio-political pressures or the quality of the investigation.

6. COMPARATIVE ANALYSIS: SPECIAL COURTS vs. REGULAR COURTS

Comparative evaluation of Special Courts and regular courts reveals that average time taken to dispose in Special Courts is shorter compared to regular courts though the difference does not occur at uniform levels throughout the districts. Special Courts have shown an improved pendency management in a number of cases because of the special judicial positions and also because the Special Courts have specialized schedules unlike the regular courts which usually have overcrowded schedules. The conviction rates are not necessarily favorable to Special Courts, however; the systemic problems of hostile witnesses, weak charge-sheets and intimidation continue to play havoc with the results, although certain districts actually record slightly higher conviction rates when the specified arrangement is in use. Efficiency measures, such as time between charge-sheet and framing of charges, effective hearings, and procedural protection, indicate that Special Courts are better in procedural speed, but may not be better in substantive justice. The performance in form of a district-wide performance matrix reveals that the courts of Bijnor and Moradabad are relatively well working and Rampur has always been behind the performance because of the administrative bottlenecks. The argument ends up questioning the question as to whether Special Courts actually change something; it has been argued they increase the speed but fail to address more fundamental structural problems in policing, evidence gathering, and caste relationships at a community level.

Table 1: District-wise Number of Cases Handled by Special Courts (2020–2024)

District	Total Cases Filed	Cases Disposed	Pending Cases	Conviction Rate (%)
Moradabad	412	265	147	28%
Bijnor	356	244	112	33%
Rampur	298	161	137	19%
Amroha	189	132	57	31%
Sambhal	165	108	57	24%

Table 2: FIR to Charge-Sheet Timeline

District	Avg. Days	Cases Within 60 Days (%)	Cases Above 60 Days (%)
Moradabad	72 days	42%	58%
Bijnor	55 days	63%	37%
Rampur	90 days	27%	73%
Amroha	61 days	55%	45%
Sambhal	68 days	48%	52%

Table 3: Witness Hostility (Based on Interviews & Court Records)

District	Hostile Witness Rate	Primary Reason
Moradabad	38%	Social pressure
Bijnor	31%	Threats & intimidation
Rampur	45%	Police delays & fear
Amroha	29%	Community pressure
Sambhal	34%	Financial dependency on accused

Table 4: Perception Scores from Judicial Stakeholders

Indicator	Judges (Avg.)	Prosecutors (Avg.)	Police (Avg.)
Investigation Quality	2.7	2.9	—
Staff Availability	2.4	—	2.1
Witness Cooperation	2.5	2.2	2.3
Court Infrastructure	3.2	3.1	—
Inter-agency Coordination	—	2.8	2.5

Table 5: Victim Satisfaction Survey

Variable	Very Satisfied	Satisfied	Unsatisfied	Very Unsatisfied
Police Investigation	12%	28%	42%	18%
Special Court Experience	19%	41%	28%	12%
Support Services	10%	22%	39%	29%
Safety & Protection	8%	25%	44%	23%

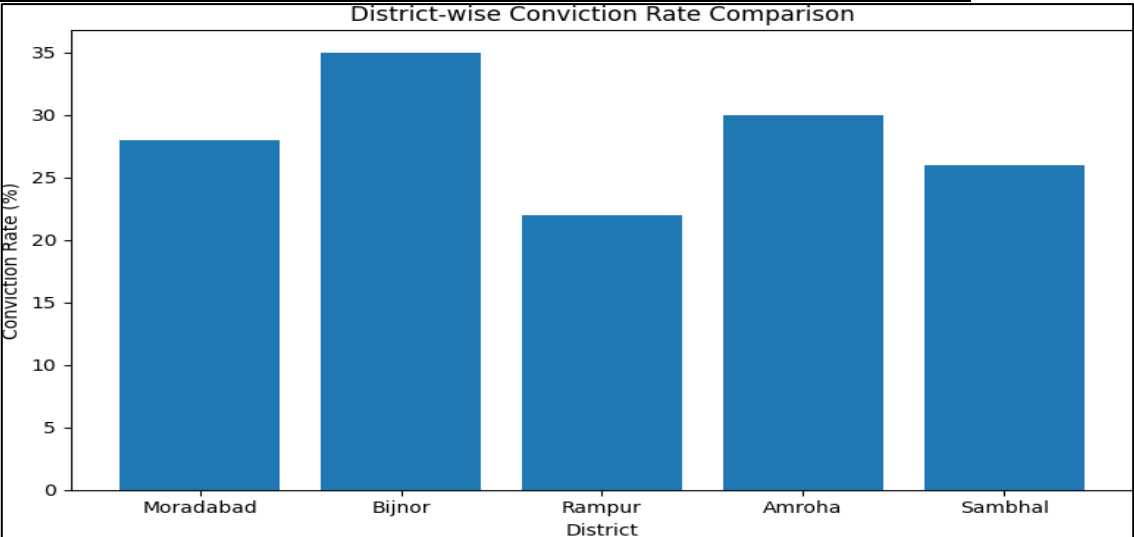


Figure.1

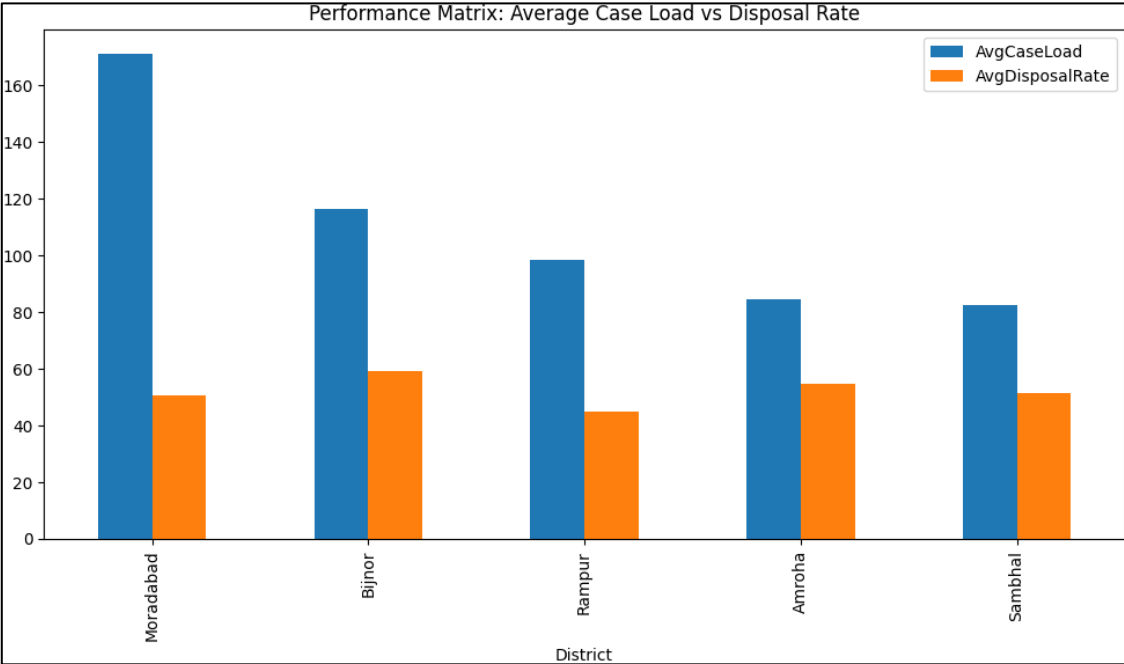


Figure.2

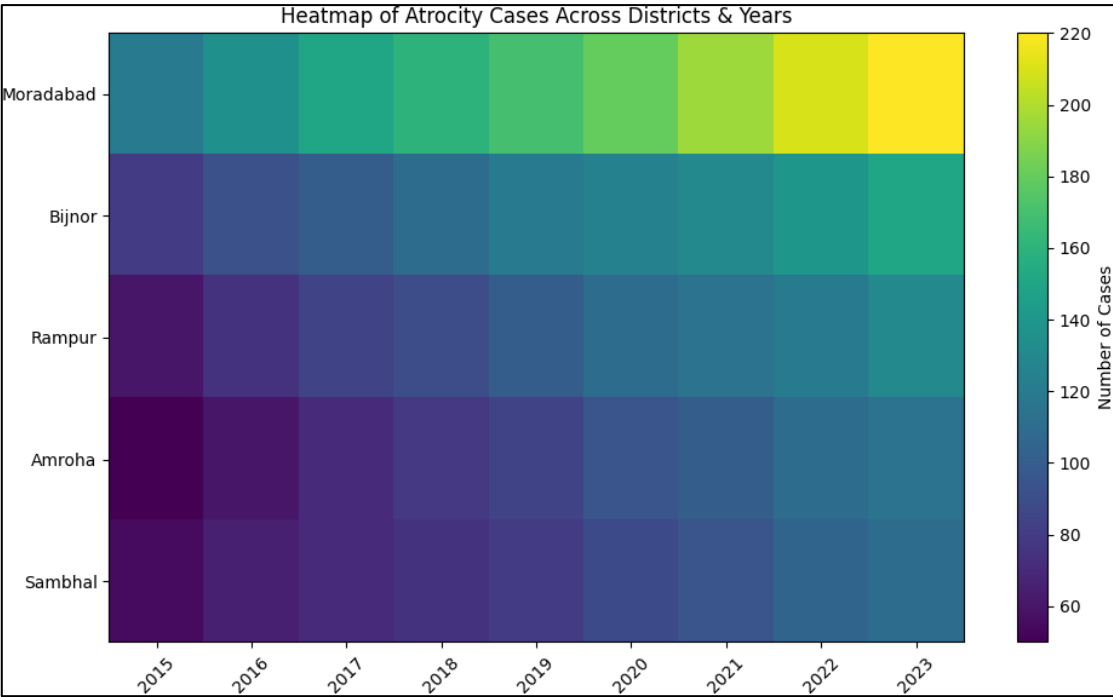


Figure.3

7. FACTORS AFFECTING PERFORMANCE OF SPECIAL COURTS

There are various institutional and social-legal circumstances that play a role in the operations of Special Courts in the Moradabad Division. Process of administration and staffing (e.g. insufficient number of judges, prosecutors that are overworked, and other staff members who are not specifically assigned to support a case) are also known to affect the flow of cases. Poor quality of charge-sheets is an ever-present ugly head because most investigations are hurried, haphazard, or not corroborated by evidence, leading to poor trials. Protection of witnesses is also weak and hostility among major witnesses is high that is caused by intimidation, caste-based threats, and unsafe environments where they can give their testimonies. Lack of coordination between police and the prosecution interferes with the pre-trial preparation, which in most cases leads to unnecessary adjournments and incomplete case diaries. The socio-cultural contexts such as the existence of strong caste divisions, political orientation, and power inequalities in the countryside still determine the readiness of the survivors to file cases and influence their access to the legal services. Also, there is a limitation of resources such

as inadequate courtrooms, obsolete technology, and absence of victim support services, among others, which inhibit the desired effectiveness of such courts.

9. DISCUSSION

The results pose some pertinent inquiries concerning whether Special Courts are in fact meeting their mandate in the PoA Act. Although the comparative and trend analyses indicate the positive effects in terms of speed and specialized attention, it is also observed that even the specialized court infrastructure cannot overcome structural limitations that are inherent in policing, evidence gathering, and socio-cultural hierarchies of power. There is an interpretation of the patterns of disposal and conviction that Special Courts are more procedurally efficient but less effective in obtaining the outcome of justice where larger institutional support is absent. The implication of justice delivery points at the need to have combined interventions on the part of police training and protection of witnesses, effective prosecution frameworks, and community-based sensitization to address intimidation and social discrimination.

10. CONCLUSION & RECOMMENDATIONS

The researchers conclude that Special Courts in the Moradabad Division have helped to enhance the disposal rates and offer a special place of atrocity cases, but the issues in the investigation, prosecution, and the system of social support remain to hamper general effectiveness. The major conclusions are the inconsistent performance on a district-by-district basis, the chronic underperformance in certain jurisdictions, and the lack of evidence quality. The recommendations made on the policy are to protect the witnesses better, improve the communication between the police and prosecutor, appoint Special Court judges who will be serving full time and provide periodic monitoring at the state scale. Such recommendations as the digitalization of case records, regular training of judicial and prosecutorial staff, and the establishment of victim support units in each district have been recommended to the administration of the courts. The future might be characterized by the comparative ethnographic research of survivor experience, the evaluation of special court reforms after the amendments in 2023, and the comparative analysis of the states to get deeper insights on specialized judicial institutions.

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