

**H.C.P.No.2182 of 2022**

**N.ANAND VENKATESH.J**

**and**

**SUNDER MOHAN.J**

Pursuant to the administrative order of the Hon'ble Acting Chief Justice dated 04.04.2023, this Special Bench has been constituted for monitoring the implementation of the Protection of Children from Sexual Offences Act, 2012 and Juvenile Justice (Care and Protection) Act, 2015 (hereinafter called as the Act) on the judicial side.

2. We directed the Registry to notify all the Associations both in the Principal Seat as well as in the Madurai Bench to enable this Court to take the assistance of the Bar, considering the importance of the issue that is going to be dealt with by this Court. Accordingly, some of the Associations have been notified and they are represented before this Court through their office bearers.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, submitted that the guidelines issued by the Hon'ble POCSO committee of this Court has been followed up and the Director General of Police of Tamil Nadu, has already issued necessary instructions to all the police stations across Tamil

Nadu. The learned Additional Public Prosecutor sought for some time to file a status report in this regard along with supporting documents.

4. The President of the Women Lawyer association, Madurai Bench, submitted that except the notice received from the Registry, they were not furnished with the earlier orders passed by this Court. The learned counsel therefore requested us to issue appropriate directions to the Registry to furnish the earlier orders that were passed in this Habeas Corpus Petition.

5. Taking into consideration the above submission, there shall be a direction to the Registry to once again inform all the Associations about the constitution of this Special Bench and that their assistance has been sought for in order to deal with various issues arising in the implementation of the POCSO Act. The Registry shall also furnish the copies of the earlier orders passed by this Court dated 04.11.2022, 10.11.2022, 15.12.2022 and 22.12.2022 to the President of the concerned Bar and Advocate Associations both in the Principal Seat and in the Madurai Bench.

6. The learned counsel for the petitioner submitted that necessary documents have already been filed before this Court. Mrs.Vidya Reddy,

Executive Director, TULIR - Centre for Prevention and Healing of Child Sexual Abuse, was also present at the time of hearing. The learned counsel for the petitioner shall follow up with the Registry to ensure that the documents already filed is available, to be utilised by this Court during future hearings.

7. The Bar is requested to assist this Court considering the importance of the issues that are going to be dealt with by the Special Bench. We also request Mrs.Vidya Reddy to assist this Court.

8. The learned Additional Public Prosecutor submitted that insofar as FIR registered in Crime No.623 of 2023 by the Chidambaram Town Police Station against the minor Y and his friend, the investigation has been completed and the final report is ready to be placed before the Juvenile Justice Board. The investigation officer is directed to file the final report before the Juvenile Justice Board, Cuddalore, on or before 30.06.2023. A copy of the final report shall also be placed before us during the next date of hearing.

9. In order to ensure proper focus on the issues, the learned counsel for the petitioner and the learned Amicus curiae appointed by this

Court are directed to identify the issues to be dealt with by this Court. The same shall be put in writing and a copy of the same shall be handed over to the Registry. The Registry shall circulate the copies handed over to them to the office bearers of all the Associations both in the Principal Seat and the Madurai Bench. By following this procedure, it will be more easier for the Bar to prepare themselves on those issues and assist the Court. If there are any other issues, apart from the ones identified by the learned counsel for the petitioner and the Amicus Curiae, the same shall be separately addressed by the Bar.

10. We deemed it fit to get a clearer idea as to the cases that are pending at the stage of investigation before the police and the cases which are pending before the Court / Juvenile Justice Board, pertaining to the victims and the children in conflict below the age of 18 years. Accordingly, there shall be a direction to the Director General of Police of Tamil Nadu, to provide this Court the particulars that have been mentioned below in the Tabular Column format.

**Data on Juvenile in conflict with law under POCSO Act - Pending cases**

1. *Sl.No.*
2. *District Name*
3. *Date of FIR / Crime No./ Police Station /JCC/PAC/CCC/SCC.No./ Registered under Sections*

4. Age of CICL (Child in Conflict with law) on the date of offence
5. Age of Victim as on the date of offence
6. Whether CICL was apprehended by police (yes/No/CICL surrendered)
7. Date of Apprehension
8. Date of production before JJB
9. Date when the bail was granted
10. CICL sent to observation Home/ Place of Safety (Yes/No)
11. Date of Admission in observation home
12. Date when the case was taken on file
13. Was preliminary Assessment done (Yes/No/Pending)
14. Date of Preliminary Assessment Order
15. Decision of JJB after Preliminary Assessment (Retained by JJB, Transferred to Children's Court)
16. Was case disposed of (Yes/No)
17. Date of Disposal
18. Nature of Disposal order
19. Order passed conviction / Acquittal / others
20. Whether compensation was applied for on behalf of the Child victim (yes/No)
21. Whether compensation was awarded (Yes/No)
22. If yes, whether interim or Final
23. Amount awarded by the Court
24. Remarks

11. The above particulars shall be furnished during the next date of hearing. The particulars shall cover the entire State of Tamil Nadu. We make it clear that the particulars furnished shall confine itself only to POCSO cases.

12. Mrs.Vidya Reddy, Executive Director, TULIR - Centre for Prevention and Healing of Child Sexual Abuse, stated that inspite of the

circular issued by the Director General of Police, there are cases where Section 41A notice under Cr.PC is not issued and in some of the police stations, they resort to arrest straight away. One such incident that took place at Dharmapuri, recently was also brought to our notice. It is left open to the learned counsel for the petitioner to collect the particulars of such cases and give advance notice to the learned Additional Public Prosecutor. The learned Additional Public Prosecutor shall take instructions in those cases and shall be ready to assist the Court by providing the particulars of those cases. Those cases will also be considered by us at the time of hearing.

13. The above directions issued by us will equally apply to the Union Territory of Puducherry. The Director General of Police, Puducherry, shall take notice of the above directions and shall provide the particulars sought for by this Court. The learned Public Prosecutor appearing on behalf of Union Territory of Puducherry, shall also get a separate report from the Director General of Police, on the follow up action on the guidelines issued by the POCSO committee along with all particulars.

14. List the case for further hearing on 07.07.2023 at 2.15 p.m. The Registry is directed to print the name of Mr.E.V.Chandru, learned Amicus

Curiae, Mr.K.S.Mohandas, learned Public Prosecutor of Puducherry and the President of all the Bar / Advocate Associations both in the Principal Seat and Madurai Bench.

[N.A.V.,J] [S.M.,J]  
16.06.2023

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Index : Yes/No

Internet : Yes/No.

***Note : The copy of this order shall be marked to the Director General of Police, Tamil Nadu, Director General of Police, Puducherry and the Bar/Advocate Associations both in Principal Seat and Madurai Bench.***

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