

WP No. 18454 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 18454 of 2026

S.Venkatesh
(MS 5495 / 2023- under Voluntary suspension)
Old No.3 New No.185
Mullai Malar St. Sri Krishna Nagar
Thiruppalai, Madurai 625014.

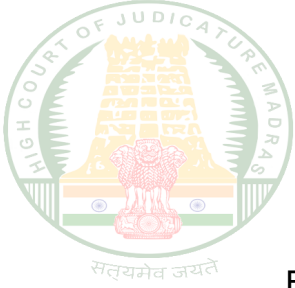
..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Secretary to Govt. of Tamil Nadu
Home Department
Secretariat,
St. George Fort, Chennai 600009.
2. The Director General Of Police,
Chennai - 600 004.
3. The Commissioner Of Police,
Avadi Police Commissionerate, Chennai.
4. The Inspector Of Police,
T-14 Mangadu Police Station, Chennai.
(R2 TO R4 SUO MOTU IMPEADED VIDE ORDER
DATED 20.05.2026 MADE IN WP.18454/2026 BY
GRSJ, VLNJ)

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent State to prefer a Curative Petition before the Hon'ble Supreme Court in Criminal Appeal Nos. 3633-3634 of 2024 by considering the representation of the petitioner dated 08.01.2026.



WEB COPY

For Petitioner :

Mr.S.N.Ravichandran

For Respondent(s):

Mr. L.S.M. Hasan Fikal Additional Govt. Pleader
Accepts Notice For R1
Mr. C.R.Malarvannan
Additional Public Prosecutor Accepts Notice For
Respondents 2 To 4

Order**(Order of the Court was made by V.Lakshminarayanan, J.)**

This is a writ petition pro-bono publico. The petitioner claims that he is an academican, researcher, lawyer and the father of two children. He states that he went through the proceedings of the Sessions Judge, Mahila Court, Chengalpet in S.C.No.133 of 2017 dated 19.02.2018, R.T.No.1 of 2018 and CrI.A.No.234 of 2018 on the file of this Court dated 10.07.2018 and CrI.A.Nos.3633 and 3634 of 2024 dated 08.10.2025 dated 08.10.2025 before the Supreme Court and also the review petition filed in R.T.(CrI) Nos.490 and 491 of 2025 dated 26.11.2025.

2. All these proceedings arise on account of a murder of a child. In February 2017, the Sessions Court had convicted the accused and had imposed a penalty of death. The same was confirmed by this Court on 10.07.2018. The accused was acquitted by the judgment of the Supreme Court on 08.10.2025. The plea of the petitioner is that initially the Supreme Court, by an order dated 08.04.2019 had limited the notice only with respect to sentence and did not find fault with conviction.

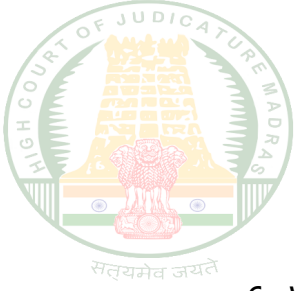


Subsequently, the said order was recalled noticing that this Court had granted certificate of leave to file an appeal on 10.07.2018. The order of recall was passed on 08.04.2019. On account of the recall, the appellant before the Supreme Court was in a position to challenge the conviction itself.

3. The petitioner had filed an application under the Right to Information Act to the Public Information Officer attached to this Court and he received a response that no certificate to file an appeal has been granted by this Court. Hence, he gave a representation on 08.01.2026 to the respondent pointing out the error that had taken place in the Court proceedings and called upon the respondent to initiate immediate steps including filing of a curative petition. As no steps have been taken by the first respondent, the petitioner is before this Court.

4. When the matter came up for admission, we noticed that apart from the State of Tamil Nadu, other parties who would have a say in this litigation had not been impleaded. Hence, we impleaded respondents 2 to 4 as parties.

5. Learned Additional Government Pleader and the Additional Public Prosecutor took notice on behalf of the respective parties and sought time to receive instructions and report to this Court this week.



WEB COPY

6. When the matter was taken up, we heard Mr.M.Guruprasad for the first respondent and Mr.C.R.Malarvannan for the respondents 2 to 4. Mr.Malarvannan produced an order dated 10.07.2017 passed by the Division Bench in CrI.A.No.234 of 2018 and R.T.No.1 of 2018 pointing out that the Division Bench had granted leave to the accused to prefer an appeal to the Supreme Court. Hence, he urged that the very foundation of the writ petition does not exist. He added that the present dispensation is serious about prosecuting the offences involving children and women and that State has taken a policy decision to prefer a curative petition. He sought dismissal of the writ petition.

7. This view was echoed by Mr.Guruprasad. We heard Mr.S.N.Ravichandran and all the aforesaid counsel on the merits of the case.

8. The writ sought is one of Mandamus. A Writ of Mandamus can be issued to compel a public authority to perform a statutory duty or a public duty, which it is duty bound to perform but has failed to execute. A decision to file an appeal, review or curative petition is not a statutory binding duty but a discretionary one. It is entirely upto the executive whether it intends to file a review or not. The executive and its legal advisors have to decide whether or not to involve themselves in a litigation. It is entirely a discretionary act. A Mandamus cannot be issued to dictate how such a discretion should be exercised. This Court also cannot substitute its



opinion of the Government if it does not choose to prosecute the matter. The petitioner must clearly exhibit a statutory or fundamental right to demand performance of a specific duty. We are afraid, a citizen, nay, a third party does not possess a vested legal right to force the State of Tamil Nadu to litigate or prefer an appeal if it chooses not to do so. Merely because the State is the prosecuting agency, it does not mean that it can be forced by way of a Mandamus to involve in a litigation which it does not choose to do so.

9. The operational boundaries between the Executive and the Judiciary is clear. It is not the role of this Court to force the State machinery to file an appeal or indulge in a litigation. It is the executive's prerogative to manage its own legal affairs in accordance with its litigation policy. This Court does not want to play any advisory role to the State whether to litigate or not. Hence, we are of the view that no mandamus can be issued as sought for. The State does not get any separate status than any other litigant in matters of litigation. Whether the litigant intends to file an appeal or not is entirely the choice of that litigant. No Court can force a party to initiate or continue a litigation. The same applies to the State also.

10. As rightly pointed out by Mr.C.R.Malarvannan, a perusal of the web copy of the order passed in Crl.A.No.234 of 2018 and R.T.No.1 of 2018 dated 10.07.2018 point out that immediately after pronouncement of the judgment, the learned counsel who appeared for the accused had sought for leave to file an appeal to the



Supreme Court. The Bench considered the entire factual matrix and also granted leave. Therefore, the basis on which the petitioner called upon the State of Tamil Nadu to file a curative petition does not exist. The R.T.I. reply dated 24.11.2025 had not furnished the correct information to the writ petitioner. We have seen the web copy and are satisfied that leave to file an appeal to the Supreme Court had been granted.

11. At this stage, we will record the statement made on behalf of the respondents that it has taken a decision to file a curative petition. When the Government itself had decided to move a curative petition, all that we need to do is to record the said submission. Therefore, we bring the curtains down on this proceeding.

12. We have to note that there are some correctional requirements which have to be adopted by all the stakeholders implementing the laws relating to children. The deficiencies and the manner of rectification of the same are set forth in a tabular column hereunder. For the sake of understanding, we have divided the implementation plan as regards the police, the healthcare professionals, the Courts and the Juvenile Justice Boards. This is not an exhaustive list. It only identifies the areas which require improvement and contains our suggestions. The law relating to children is still developing. It requires constant tweaking and readjustments. This is one such attempt.

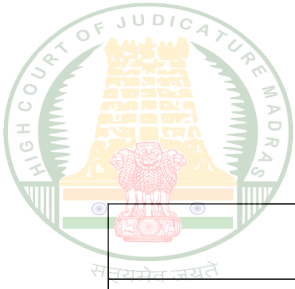


SYSTEMIC GAPS IN THE IMPLEMENTATION OF THE POCSO ACT IN TAMIL NADU

The systemic gaps in the implementation of the POCSO Act in Tamil Nadu can be understood through the stakeholders by whom the Act operates in practice: the **Police**, the **healthcare system**, and the **courts**. The child ought to be at the centre of the process at every stage.

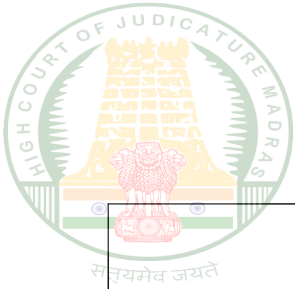
The term "Child in Conflict with Law" (hereinafter referred to as "CiCL") shall have the meaning assigned to it under Section 2(13) of the Juvenile Justice (Care and Protection of Children) Act, 2015, namely, *"a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence."*

Issue	Ground Reality	Applicable laws	Legal Mandate	Impact on child & his/her family	Suggestions
I. POLICE					
The police constitute the first point of contact between the child and the criminal justice system. While both the POCSO and the JJ Acts, prescribe a detailed framework for childJ-protective procedures, implementation in Tamil Nadu has exposed several systemic gaps, which are addressed below:					
Non-awareness of orders	• DGP circulars, Police Standing Orders, and Madras High Court POCSO Committee resolutions are inconsistently known • For instance, the DGP circular dated 30.04.2023 lays down the procedure which has to be carried out in cases where the minor couples are married or in a romantic relationship • A notice for summons has to be issued and upon summoning, where arrest is necessary, permission ought to be obtained from the DSP before making the arrest • The procedure that has to be followed	• DGP circulars • Police Standing Orders • Madras High Court POCSO Committee resolutions • Standard Operating Procedures	SOPs must be continuously updated and disseminated to every station, including field-level officers	Children are subjected to coercive action, resulting in trauma, stigma, and unnecessary separation from their families.	Supervisory monitoring of compliance and clearing of bureaucratic roadblocks such as delay in obtaining the Superintendent of Police's signature are necessary



WEB COPY

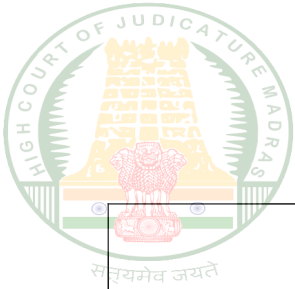
	is erratically complied with				
Composition of investigating units	POCSO investigation is confined to All Women Police Stations		Mixed-gender units for greater investigative effectiveness and procedural justice	Limited unit capacity slows investigation, prolonging the child's and family's uncertainty and exposure to the process	- Shift investigation to units with both men and women Officers - Targeted training for supervising ACs/DCs who oversee POCSO cases
Registration of FIR in consensual cases between minors	- FIRs registered only against the male child, despite POCSO being gender and sex-neutral - Unduly criminalises adolescent relationships and burdens JJBs	Section 2(d) of POCSO Act	Gender-neutral application of the law	The male child is unfairly criminalized and his family drawn into JJB proceedings, while the treatment of the two families remains unequal for the same relationship	Where girl's parents or guardians insist on an FIR, police must inform them the male child has the same option and inform his parents or guardians accordingly
FIRs for non-heinous offences against minor boys	FIRs registered even for offences carrying under 7 years' imprisonment for adults	Rule 11(3) of Tamil Nadu JJ Rules	No FIR shall be registered against a child except where the offence alleged to have been	Needless entry into the criminal justice system stigmatizes the child and burdens the	Strict compliance at the stage of registration itself, would prevent unnecessary



WEB COPY

WP No. 18454 of 2026

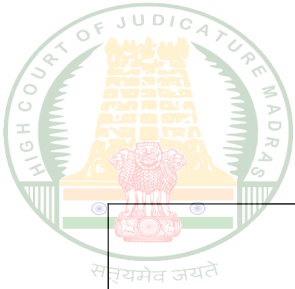
			committed by the child entails imprisonment of seven years or more for adults	family with proceedings the law itself does not contemplate	criminalization of children at the very threshold of the process
Non-supply of free copies of FIR to CiCL	- Copies of the FIR are not being furnished to the CiCL or their parents or guardians at the time production before the JJB - In most cases, only the provisions of law invoked and the name of the police station alone are disclosed, while the contents of the complaint and the factual allegations remain unknown to the child and family	- Rule 11(4) of Tamil Nadu JJ Rules - Guidelines in Youth bar Association of India vs Union of India, (2016) 9 SCC 473	If First Investigation Report is registered, the copy shall be made available to the child or copy of the police report should be given to the parents or guardian at free of cost	Hinders their ability to understand the case and effectively exercise their legal rights	Direct all police stations to furnish a free copy of the FIR to the child or their parents or guardians at the time of first production before the JJB, obtain an acknowledgment of receipt, and record compliance by the child or parents or guardians at the time of first production before the JJB
Non-compliance of Procedural safeguards during apprehension/enquiry	- Intimation to Probation Officer and parents - No night-time interrogation - Parental presence during enquiry	- Sections 10 & 13(1) of JJ Act - Section 24 of POCSO Act - Form A of POCSO Rules, 2020	Strict statutory compliance at every enquiry	Absence of parental presence and night interrogation isolate and frighten the child, and	Enforce through training and supervisory oversight of investigating officers



WEB COPY

WP No. 18454 of 2026

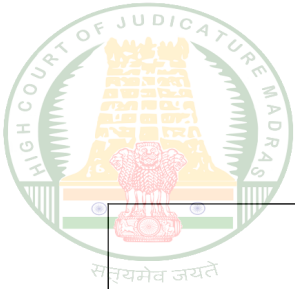
	• Compliance with Form A are not adhered to			exclude the family from a process that directly concerns their child	• Require JJB to verify, at the first production, whether the statutory safeguards have been complied with, and direct immediate rectification in case of non-compliance
Mechanical Detention of Children in Observation Homes	• Mechanical detention of CiCLs is routine	• Section 12 of JJ Act (bail is the rule)	• Detention only via a written, reasoned order recording specific statutory grounds (association with criminals, danger to child, defeat of justice)	• Unwarranted separation from family causes trauma, disrupts education, and stigmatises the child within the community	• Periodic audits of Observation Homes • Regular JJB member training • Grievance-redressal box at every JJB is made accessible and maintained with periodic audits of the same
Maintaining Confidentiality and sensitivity	• Identifying information disclosed via schools, medical officers, and social media	• Section 23 of POCSO Act	• Disclosure limited strictly to what is necessary	• Exposure of identity leads to social stigma, harassment, and secondary victimisation of the child and the	• Issue a Standard Operating Procedure prescribing the manner in which a child's identity may be shared



WEB COPY

WP No. 18454 of 2026

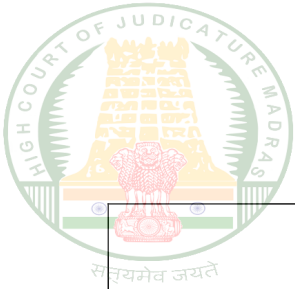
				family within the society	with schools, hospitals, and other agencies only on a need-to-know basis, with supervisory oversight • Direct all investigating officers to obtain a written confidentiality undertaking from every person to whom the child's identity is disclosed during the investigation, and record the reasons for such disclosure
Handling of electronic records	• No uniform process, leading to instances of leaked recorded statements	• Section 24(5) of POCSO Act	• Uniform state-wide implementation	• Leakage of a recorded statement re-traumatizes the child, breaches privacy, and can deter the family from pursuing the case further	• Publish a standard manual for handling digital evidence, implementing measures, capturing records, presenting them for evidence in



WEB COPY

WP No. 18454 of 2026

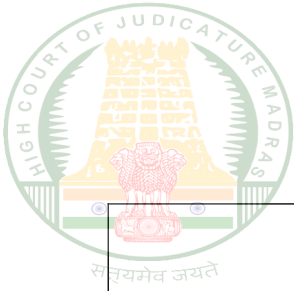
					a secure and effective manner
Unnecessary production of children	In all cases, irrespective of whether the child would require the assistance through Child Welfare Committee (CWC), the child is produced, primarily by the Police	Rule 4(4) of POCSO Rules, 2020	The child shall be produced before the CWC only in situations mentioned in the Rule therein	Complicates and burdens the child when they may already have due care being provided	Production of children in POCSO cases before CWC must be as per the conditions prescribed in the Rule
Child enabling procedures as per POCSO Act in JJBs	Child victims in JJB proceedings do not receive the same safeguards as in Special POCSO Courts	- POCSO Act - JJ Act - Vulnerable Witness Guidelines, 2024		In cases involving alleged CiCLs, the victim has every chance of re-traumatisation owing to the lack of child-enabling procedures and unequal treatment, which maybe available in Special Courts	Ensure all child-enabling procedures implemented in the JJBs are as per POCSO Act
II. HEALTHCARE SYSTEM The implementation of POCSO Act intersects significantly with the health care system. The systemic gaps in implementation have affected access to healthcare, reproductive autonomy, medico-legal processes and post-assault treatment.					
Barrier Due to Mandatory Reporting	Every pregnancy involving a girl below 18 years is routinely reported to the policy by registered Medical Practitioners,	- Section 19 of POCSO Act - X vs Principal Secretary, Health & Family Welfare	RMP need not disclose a minor's identity while reporting an appropriate consensual	Fear of exposure and police involvement deters access to antenatal care and	Hospitals should develop standard consent forms enabling the



WEB COPY

WP No. 18454 of 2026

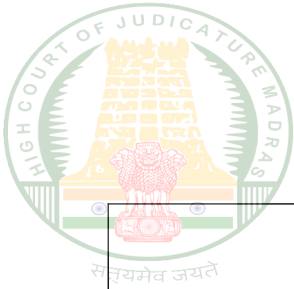
	including cases arising out of consensual adolescent relationships or customary marriages between adolescents	Dept., (2023) 9 SCC 433 @ Paragraph 81	case	medical termination of pregnancy, particularly in tribal belts, thereby endangering the child's health and depriving the family of safe and timely medical care	minor and her parents or guardian to record whether they consent to disclosure of identifying particulars, together with a standard format for communicating mandatory reports to the police without revealing the child's identity wherever legally permissible
Delayed access to MTP	- Pregnant victims in POCSO cases frequently do not receive timely information regarding their legal rights and available medical options - PHCs often fail to guide children or their families to GHs authorized to perform MTPs - Delays and confusion in the hospital, leads to the pregnancy crossing 24 weeks threshold, after	MTP Act	Timely information and referral must be provided to preserve reproductive choice	Bodily autonomy and choice of the pregnant girl are given a go-by affecting her life trajectory, causing confusion and hardship with significant repercussions	District Child Protection Units (DCPUs) and the RMPs should inform the child and her guardian where pregnancy is beyond 24 weeks, that they can approach



WEB COPY

WP No. 18454 of 2026

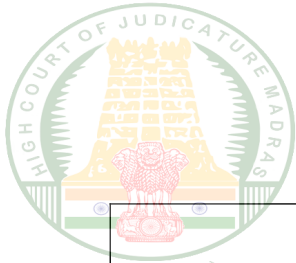
	which a court order becomes mandatory to initiate MTP • Sometimes, healthcare providers encourage continuation of pregnancy due to their individual prejudices, thereby compromising child's bodily autonomy & reproductive choice				the High Court for an order to have an MTP. • A uniform referral mechanism should be established, routing such cases through Legal-cum-Protection officers (LPOs) or DCPUs who will then coordinate with GHs, Legal Service Authorities and all relevant stakeholders to ensure that children receive prompt assistance • Legal Aid can put up posters in PHCs and GHs that free legal aid is available for those who wish to avail it
In cases where	• Hospitals wait for	• Sections 3(2)	• Permanent,	• Absence of a	• Permanent



WEB COPY

WP No. 18454 of 2026

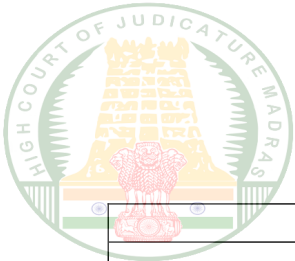
pregnancy is beyond 24 weeks and HC is moved for an order- Medical Report is not prepared in a timely manner by hospitals	an explicit direction from HC for preparing the Medical Report on the viability of MTP • Permanent Medical Board is only on paper in most districts • They are hurriedly constituted on ad-hoc basis when courts ask for a report • So, valuable time is lost while reports are prepared	(b) and 5 of MTP Act • Minor R vs State, 2023 SCC OnLine Del 383 & Minor R vs State, 2023 SCC OnLine Del 2506- which laid down guidelines for expeditious medical assessment in such cases	functional Medical Boards in every government hospital authorised to conduct MTPs	functioning Board forces families to seek judicial intervention for basic medical assessment, adding cost, delay, and stress at an already vulnerable time	Medical Boards are to be constituted under the MTP act after obtaining consent from the child as well as the guardian • It should be made functional in every GH authorized to conduct MTPs • Upon obtaining consent from the minor and her guardians, such Boards should immediately examine the child and issue Medical Report without waiting for explicit judicial directions
Inadequate Implementation of Medico-legal Protocols	• NHM guidelines on informed consent for examination, evidence collection and treatment, medico-legal	• Guidelines and Protocols for Medico-Legal Care, NHM Letter Ref.	• Complete elimination of the two-finger test and hymen-related	• The discredited examination itself becomes a violation of	• Direct all healthcare institutions to strictly adhere to the NHM



WEB COPY

WP No. 18454 of 2026

	examination, free copy of medico-legal examination report immediately after examination and trauma-informed care inconsistently followed - Two-finger test and hymen-related examination persist despite Supreme Court prohibition - Even in court rooms during appeals in sexual crimes, the discussion on hymen is prevalent	No. 2232147/NH M/P1/2022 dated 08.11.2022 - Lillu @ Rajesh vs State of Haryana, (2013) 14 SCC 643 - State of Jharkhand vs Shailendra Kumar Rai, (2022) SCC OnLine SC 1494	observations; consistent trauma-informed, documented care	the child's dignity and bodily autonomy, and can wrongly color how the family's account is perceived in court	Medico-Legal Guidelines, with periodic audits, mandatory documentation of compliance, and regular sensitisation of medical officers and judicial officers while examining such medical evidence
Lack of sexual and reproductive healthcare	- Barriers to contraceptives "Shadow ban" on emergency contraceptive pills in physical medical shops - Inaccessible confidential counseling / adolescent-friendly health services	- Adolescent Reproductive and Sexual Health (ARSH) strategy - Adolescent Friendly Health Clinics (AFHC) framework- - Rashtriya Kishor SwasthyaKaryakram (RKSK) program	Stigma-free, accessible reproductive health counselling and services for adolescents	Lack of access forces adolescents and families to seek unsafe or informal alternatives, increasing health risk and delaying disclosure to trusted adults	Effective implementation of Adolescent Friendly Health Clinics to provide confidential counseling on consensual relationships, contraception, sexually transmitted infections and reproductive health without stigma or moral

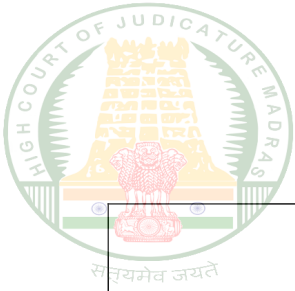


सत्यमेव जयते

WEB COPY

WP No. 18454 of 2026

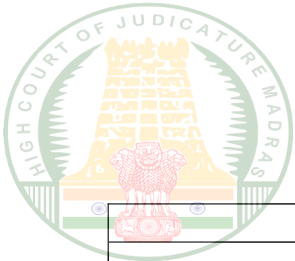
Lack of training and institutional capacity	- Capacity-building of medical professionals not continuous or institutionalized - They face uncertainty, inter alia, regarding medico-legal examination, documentation, consent procedures, preservation of forensic evidence, mandatory reporting obligations	POCSO Rules, 2020	Continuous institutionalized training on the POCSO framework	Untrained staff mishandle examinations or reporting, causing procedural errors that weaken the case and add distress for the child and family at each hospital visit	policing - Identify nodal doctors and nurses in every government hospital, medical college, and nursing college and private healthcare institution and conduct regular capacity-building programs. - Training should be continuous rather than event-based
Medical Examination and Treatment of Male Child Survivors	- Confusion amongst the police and medical professionals as to how to carry out medical examination of male victims in the POCSO Act - This is because there is no clearly defined protocol identifying the department responsible for examination or the standard course of medical treatment	Section 19(5) of POCSO Act r/w Rule 6 of POCSO Rules	Where the Special Juvenile Police Unit or local police to make immediate arrangement to give him such care and protection including admitting the child into shelter home or to the nearest hospital within	Male child survivors do not receive timely diagnosis and treatment for anorectal injuries, sexually transmitted infections, urinary tract infections or psychological trauma	- Clear, standardized protocols to be developed by the Health Department on medical examination for male victims in POCSO Act. - Protocol should identify the responsible department



WEB COPY

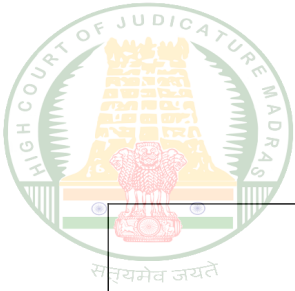
WP No. 18454 of 2026

			twenty-four hours of the report		t, standard treatment course, timely diagnosis/treatment and follow-up care. This information needs to be communicated to the police as well
Continued Use of Potency Test	Continued use despite limited evidentiary value, including in consensual adolescent pregnancy cases	Division Bench of this Court in HCP No 2182 of 2022 dated 15.7.2024	Discontinuati on of potency tests in favour of reliable scientific methods	An invasive test of little evidentiary worth subjects the child to further indignity and can unfairly affect how the family's case is perceived	Discontinue potency tests; collect biological samples for DNA analysis where paternity or identity is in issue
III. COURTS The Special POCSO Courts is a crucial judicial arm of the POCSO framework. Their functioning determines whether the child victim's engagement with the legal process is child friendly, expeditious and dignified or protracted, insensitive and re-traumatizing.					
Recording BNSS Section 183 Statements	No coordinated scheduling mechanism between magistrate courts and the police	BNSS, 2023		Leads to investigation delay and in turn the trial	Create online scheduling portal, where the police and magistrate courts can schedule and confirm



WEB COPY

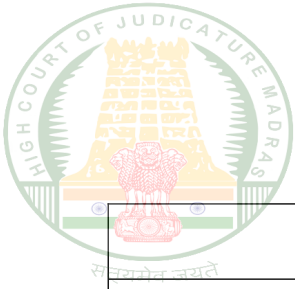
					timings
Delay in taking cognizance of charge sheets as they are not taken on file	Charge sheets remain pending despite mandatory e-filing along with acknowledgment, cognizance is taken only after considerable delay	Selvam vs DGP, WA (MD) No 2052 of 2025- Directions that no final report remains pending beyond four weeks is not a one-time exercise but a continuing institutional best practice	Cognizance and trial to proceed expeditiously to fulfil the Act's legislative object	Prolonged uncertainty keeps the child and family in a state of suspended distress, delaying closure and access to compensation or protective relief	- Streamline scrutiny process and monitor timelines for taking cognizance - E-courts can give alerts/reminders to the concerned staff
Last minute service of summons	Families receive summons on most occasions with very short notice before the hearing	Section 63 of BNSS, 2023		Delay or failure of physical service prolongs proceedings and repeated court appearances for the child and family	- Police ought to serve summons in a timely manner, when ordered - They can adopt WhatsApp/e-mail service of summons wherever necessary
Recording of Chief Examination of child victims	Evidence of child victims not recorded within the statutory window from cognizance	- Section 35 of POCSO Act - Directions in Uma Maheswari vs Principal Secy to Govt., HCP (MD) No. 1423 of 2024	The evidence of the child shall be recorded within a period of thirty days of the Special Court taking cognizance of the offence	Delay in recording testimony prolongs the child's anxiety and repeated recollection of trauma, and risks fading memory	Mandatory adherence to the thirty-day timeline to minimise stress and anxiety for the child victims



WP No. 18454 of 2026

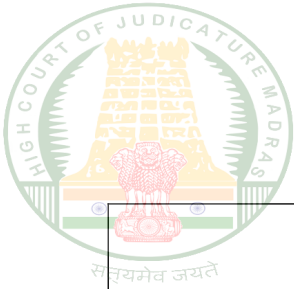
WEB COPY

		dated 10.10.2025		affecting the quality of evidence	
MTP petitions before the High Court	No single point of coordination for filing and listing such petitions		Prompt coordination and listing of MTP petitions beyond 24 weeks	Delay in listing directly narrows the medical window available, jeopardising the health and reproductive choice of the child and adding to family distress	Appoint a designated DLSA Nodal Officer to coordinate and file such petitions before the High Court
Certified Copies of Judgments	Practice of obtaining certified copies differs across districts, causing confusion and delay	General Rules of Practice (Criminal), applicable High Court Circulars	Uniform, predictable procedure for obtaining certified copies	Delay in obtaining copies stalls the family's ability to pursue appeals or compensation claims, prolonging their engagement with the legal process	Adopt a uniform Standard Operating Procedure across all POCSO Courts
IV. Accessibility and Functionality of the E-Courts Portal					
Non functional "Business on Date" feature	In several special POCSO Courts, the "Business on Date" feature on the e-courts portal is not accessible as a clickable link	E-courts standards		Victims and their families cannot track cases and can be kept in the dark regarding the happening of the case	Ensure that "Business on Date" feature is fully functional across all special POCSO courts
Video conferencing infrastructure	Facilities unavailable or underused in observation homes, special homes and			Production and hearing delays	Upgrade and standardize VC facilities



WEB COPY

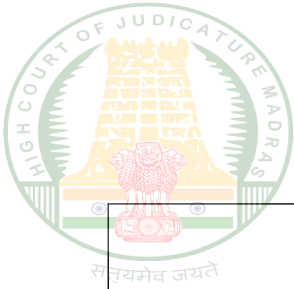
	places of safety and JJBs				
Judgments not uniformly redacted before upload	- Inconsistent practice across courts in districts and courts - Additional Special Courts upload with identifying information	Resolution dated 5.11.2022 passed by the High Court POCSO Committee under Discussion No.5	Redaction of identity particulars is done not only qua survivors under the POCSO Act, but also qua survivor's parents and accused (in cases where the accused is the father, near relative, neighbour or teacher of the survivor), so that the judgments of the Special Courts for POCSO Act cases also are uploaded in the website, ensuring that the identity of the survivors cannot be traced in any way	Unredacted judgments expose the child's identity publicly, causing social stigma and repeated victimisation long after the case concludes	Uniform anonymisation and publication protocol for all POCSO courts
V. Care & Support					
Awareness and approach towards Interim Compensation	SOPs and GOs not uniformly followed	Rule 9 of POCSO Rules, 2020	The Special Court may, in appropriate cases, on its own or on an application filed by or on	Children who turn hostile out of fear, trauma or family pressure are unjustly	Regular training to POCSO Judges on statutory factors and child-sensitive



WEB COPY

WP No. 18454 of 2026

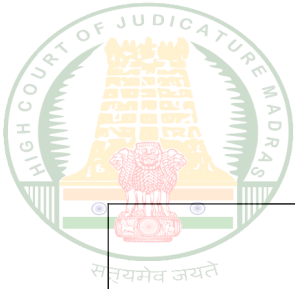
			behalf of the child, pass an order for interim compensation to meet the needs of the child for relief or rehabilitation at any stage after registration of the First Information Report.	denied compensation, leaving the family without support despite genuine harm suffered	principles governing compensation
Final Compensation	Compensation is sometimes linked to testimony/outcome of a case rather than rehabilitation of the child	Guidelines in Nipun Saxena v. Union of India, Writ Petition(s) (Civil) No(s).565/2012 order of the Supreme Court dated 11.05.2018	- Pursuant to the order, National Legal Services Authority formulated the revised scheme enhancing the compensation to be given to Women Victims/ Survivors of Sexual Assault/ other crimes - The POCSO Act, 2012, adopts a gender-neutral approach, ensuring compensation and rehabilitation	- Victims denied support, which they ought to receive. - Just because the testimony was of a lower quality or the case was not proven against the accused, does not take away/reduce the trauma that the child would have undergone	Reinforce victim-centric approach by awarding compensation in fit cases, even if a case does not result in a conviction



WEB COPY

WP No. 18454 of 2026

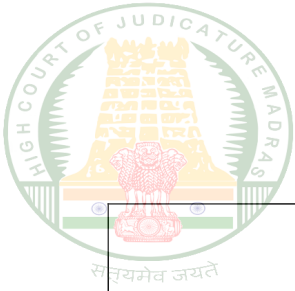
			for all child victims of sexual abuse, irrespective of gender		
Rehabilitation Support	Focus remains on proceedings/procedure rather than long-term rehabilitation of the children involved	- Section 33(8) of POCSO Act, 2012 - Rule 9 of POCSO Rules, 2020 - Rules 9 (XL), 14(6), 15(7) (vi), 15 (8) (ii), 24(I)(i), 37(7) of TN JJ Rules	Envisages victim compensation as a means of facilitating the child's rehabilitation and reintegration, rather than a one-time monetary award	- Survivor's education and vocational trajectory remain disrupted and psychological recovery incomplete, leaving the family to bear long-term care alone - Families, particularly of male survivors, are left without assured, comprehensive rehabilitation support, deepening both financial hardship and unaddressed psychological impact	- Develop structured rehabilitation plans and implement the law and rules in letter and spirit - JJB to implement the individual care plan in every case of CiCL and Child in Need of Care and Protection
Designated Police Liaison Officers	No dedicated liaison (Child Welfare Police Officer and Special Juvenile Police Unit) in high volume Boards. Now available only at Chennai	Section 107 of JJ Act	- Functions given under Section 107 of JJ Act - Liaison Officers to be appointed	Absence of a coordinating officer causes miscommunication between police and court, resulting	Appoint at every Special POCSO Court and JJB with pendency exceeding



WEB COPY

WP No. 18454 of 2026

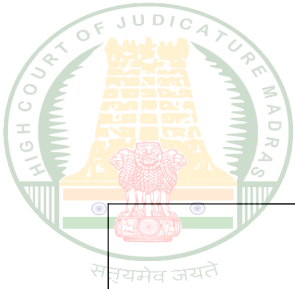
			wherever pendency is substantial	in missed dates, repeated travel, and frustration	100 cases
Support Persons	Appointment not uniform across the State. Instances show even Child Welfare Committee members unfamiliar with the Support Person provisions	Rule 5(6) of POCSO Rules, 2020	Support person may be a person or organisation working in the field of child rights or child protection, or an official of a children's home or shelter home having custody of the child, or a person employed by the DCPU	Without a Support Person, the child and family navigate an unfamiliar and intimidating process alone, increasing the risk of procedural missteps & emotional strain, including housing insecurity, with no one to flag or address it	- Special Courts to appoint a Support Person where CWC/DCPU/ other competent authority has failed to do so - Periodic training of CWC members on this specific provision
Remuneration and institutional support for Support Persons	POCSO Rules require Support Persons to be paid at rates comparable to skilled minimum wage, funded either through local labour department notifications or the District Child Protection Unit under Section 105 of the JJ Act, but these provisions are rarely put into practice	- Rule 5, POCSO Rules of 2020 - Section 105, JJ Act, 2015 (Child Protection Fund)	Timely, assured remuneration to retain a trained Support Person cadre	Attrition or absence of trained Support Persons directly reduces the psychosocial and procedural support available to the child and family through trial	- DCPU to ensure prompt fee disbursement - Periodic audit of Child Protection Fund utilization for this purpose
VI. Juvenile Justice Boards					
Full time JJBs	Several districts function with limited sittings. Example,			Leads to increased pendency	Establish full-time Boards with proper



WEB COPY

WP No. 18454 of 2026

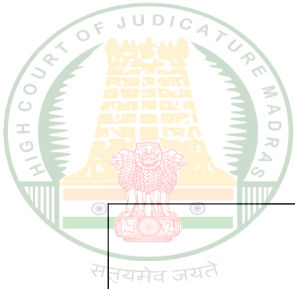
	only Wednesday sittings in JJB Chengalpattu				supporting infrastructure, staff for optimal functioning
Pendency in JJBs	High caseloads across districts, with sittings happening only once a week in most JJBs due to lack of members			Delayed rehabilitation of CiCL and disposal of cases	Recruit members to full strength and hold regulate everyday sitting
Oversight of JJB Procedures	There are a complete opaqueness and contravention of JJ Act in which JJB operates all in the guise of 'confidentiality' and renders any meaningful manner in which they can be held accountable			No standard procedure means that victims as well as CiCL do not know how the system operates	Periodic review and audits by JJ Committee of the High Court and also by the State Government, where the qualitative assessment of the work may be undertaken
Role of Probation Officers	PO's do not prepare Special Investigation Report or any reports as directed by JJB in a time bound manner or in the appropriate manner	Section 8(3) (e) of JJ Act, 2015	Probation Officer, or in case a Probation Officer is not available to the Child Welfare Officer or a social worker, to undertake a social investigation into the case and submit a social investigation report within a	Leads to slower disposal and decisions. This is also done because, per the PO's are not directly accountable to the JJB's but report to a different department	Strengthen accountability by looping in the JJ Committee and provide strict timelines



WEB COPY

WP No. 18454 of 2026

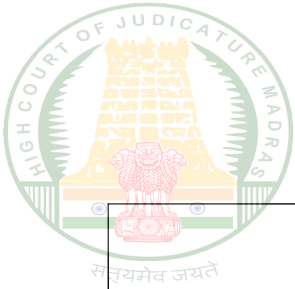
			period of fifteen days from the date of first production before the Board to ascertain the circumstances in which the alleged offence was committed		
VII. Infrastructural Facilities					
Child Witness Deposition Rooms	Only 18 of 23 districts in Tamil Nadu have CWDRs, the remaining districts continue to record the evidence of child victims without dedicated child-friendly infrastructure	Supreme Court directions in Smruti Tukaram Badade vs State of Maharastra, (2022) 18 SCC 24- all HCs to establish Vulnerable Witness Deposition Centres in every district	Deposition infrastructure to be established in every Special, Additional and Designated POCSO Court	Absence of dedicated child-friendly deposition facilities adversely affects the experience of child victims within the justice system and undermines the objective of creating a trauma-informed judicial process	• Time-bound establishment of Child Witness Deposition Rooms in every Special, Additional and Designated POCSO Court in Tamil Nadu. • Each CWDR should comprise 2 separate rooms- a waiting area and a deposition room divided by a proper partition with soundproof walls • The deposition



WEB COPY

WP No. 18454 of 2026

					room should be equipped with video link facilities and painted in a plain calming color without any images to provide a neutral background, while the waiting room should be painted with child friendly images to create a comforting environment • An accessible toilet should be attached within the CWDR itself, so that children need not wander through court corridors to access toilets
Exclusive Special POCSO Courts	Insufficient courts relative to pendency in several districts	In Re: Alarming Rise in the Number of Reported Child Rape Incidents, 2025 INSC	Judicial infrastructure to remain commensurate with caseload	High pendency prolongs trial for every child and family in the queue, compounding delay-related	• Establish exclusive Special POCSO Courts in districts with



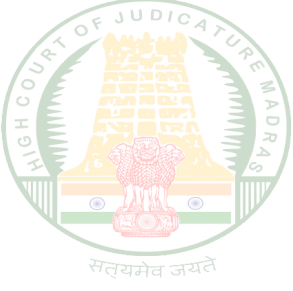
WEB COPY

WP No. 18454 of 2026

		695, Para 5		trauma across the district	pendency exceeding 100 cases • Regular pendency review
Designated Children's Courts	Special POCSO Courts presently also function as Designated Children's Courts under the JJ Act, carrying dual charge		Separate, dedicated Children's Courts to be established	Dual charge dilutes judicial attention and infrastructure meant specifically for children, affecting both CiCL and child victim matters simultaneously	Establish separate Children's Courts with filled vacancies, child-friendly infrastructure, trained staff, and coordination with JJBs, DCPUs and DLSAs

12. We direct the Chief Secretary, Government of Tamil Nadu to constitute a committee comprising the Secretaries of the concerned departments. The said committee shall bestow its attention on the suggestions given herein above. The response of the government shall be filed before the Registry within a period of four months from the date of receipt of a copy of this order.

13. This Court places on record its appreciation for the ready assistance given to the Court by Ms.Deepika Murali, Advocate for Tulir, an organisation dealing with child rights.



WEB COPY

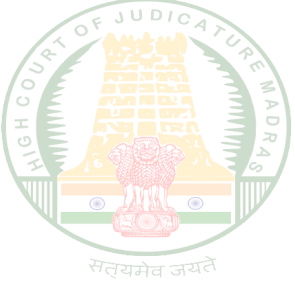
14. Recording the submission made by the learned counsel appearing for the State, this writ petition is disposed of. No costs.

(G.R.S.,J.) (V.L.N.,J.)
27-05-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
KST

To

1. The Chief Secretary to Government of Tamil Nadu
Secretariat, St.George Fort, Chennai 600 009.
2. The Secretary to Government of Tamil Nadu
Home Department
Secretariat, St. George Fort, Chennai 600009.
3. The Director General Of Police,
Chennai - 600 004.
4. The Commissioner Of Police,
Avadi Police Commissionerate, Chennai.
5. The Inspector Of Police,
T-14 Mangadu Police Station, Chennai.



WEB COPY



WP No. 18454 of 2026

**G.R.SWAMINATHAN J.
AND
V.LAKSHMINARAYANAN J.**

KST

WP No. 18454 of 2026

27-05-2026