

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)
SATURDAY, THE THIRTEENTH DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT

THE HONOURABLE MR. A.P. SHAH, CHIEF JUSTICE
AND
THE HONOURABLE MR. JUSTICE D. MURUGESAN

WRIT PETITION NO. 36807 OF 2006

The Director
 Tamil Nadu State Judicial Academy
 R.A. Puram, Chennai 600 028

.. Petitioner

VS

1. State of Tamil Nadu rep
 by the Secretary to Government,
 Home Department, Fort Saint George,
 Chennai 600 009

2. The Chief Metropolitan Magistrate,
 Egmore, Chennai 600 008

3. The Commissioner of Police,
 Egmore, Chennai 600 008

4. The Superintendent (Government Vigilance Home/Government
 Protective Home) Arasinar Magalir Kappagam
 Mylapore Chennai 600 004

.. Respondents

Petition under Article 226 of the Constitution of India
 praying that in the circumstances stated therein and in the
 affidavit filed therewith the High Court will be pleased to issue
 writ of Mandamus (i) to direct the respondents 1 to 3 to inquire
 into the grievances of each and everyone of the inmates; (2) to
 frame fresh rules under Immoral Traffic Prevention Act 1956; (3)
 to constitute Special Courts to deal with the offences under the
 Immoral Traffic (Prevention) Act 1956; (4) to provide relief to the
 victims by placing them in the hands of recognized NGOs so as to
 reintegrate the victims within the respective family members and
 in case of failure, rehabilitate them after placing them in any
 appropriate institution; (5) to direct the 4th respondent and

other similar homes and Institutions not to keep the accused and victim together; (6) to direct the personal attendance of all the inmates to find out all other possible relief that could be granted to the victims as are available under the provisions of The Immoral Traffic (Prevention) Act, 1956; and (7) to direct the 2nd Respondent to make periodical inspection to the 4th Respondent Home and other similar homes and Institutions by the Magistrate.

ORDER:- This Writ Petition coming on for orders as to admission on this day upon perusing the petition and the affidavit filed in support thereof the order of the High Court, dated 29.09.2006 and 12.10.2006 and made herein and the Report having been submitted by the Member Secretary, Tamil Nadu State Legal Services Authority and the Director, Tamil Nadu Judicial Academy the writ made by the High Court and upon hearing the arguments of Ms. Vimala, Advocate for the petitioner and of Mr. Raja Kalifulla Government Pleader on behalf of the respondents the court made the following order:-

O R D E R

(Delivered by the Honourable Chief Justice)

Heard the parties. Perused the reports submitted by the Member Secretary, Tamil Nadu State Legal Services Authority and the Director, Tamil Nadu State Judicial Academy. Also perused the Action Taken Report and the Perspective Plan filed by the Secretary, Social Welfare Department, Government of Tamil Nadu. In continuation of our order dated 31.10.2006, we issue further directions as follows :

I. Directions for the State :

(a) The Social Welfare Department is directed to prepare a detailed scheme for frequent sensitization programmes for the police officers dealing with the victims of immoral trafficking within two months.

(b) The Social Welfare Department is directed to prepare a list of Psychological Counsellors for each district within four weeks from today, with a copy to the Member Secretary, Tamil Nadu State Legal Services Authority.

(c) The Dean, Institute of Mental Health Institute, Kilpauk, Chennai is directed to depute at least one Social Welfare Officer/Psychiatric Social Worker every week for the purpose of counselling of the inmates of the Government Vigilance Home, Chennai.

(d) The State and the police must focus their attention on the prosecution and conviction of the accused involved in immoral trafficking and not to victimise sex workers on account of soliciting offences.

(e) The State is directed to take urgent steps to complete the construction of Vigilance Homes at Salem, Coimbatore, Marurai, Tiruchirappalli and Vellore within a period of 18 months from today.

(f) The State is directed to prepare a scheme for creating public awareness against immoral trafficking and sexual exploitation of women and children and file the same into this Court within a period of two months from today.

(g) The State is directed to set up a Criminal Compensation Injury Board for awarding compensation to victims of immoral trafficking within two months from today.

(h) The State is directed to constitute a panel in terms of Section 17 of the Immoral Trafficking Prevention Act for all the districts within a period of two months from today.

II. Directions for Judicial Officers/Juvenile Justice Board :

(a) All Judicial Officers dealing with cases relating to immoral trafficking / Juvenile Justice Board must ascertain from victims as to the time of their rescue and their apprehension, if any and also about any physical assault either by the traffickers or by any other person or by police and subject the victims to medical examination *suo motu*, for further legal and departmental action, if necessary.

(b) The Judicial Officers/Juvenile Justice Board are directed to ensure that the accused involved in immoral trafficking are remanded in the Sub Jails or Central Prisons and the victims are sent to the Vigilance Homes/Protective Homes and in case of minor victims, to the Juvenile Homes.

(c) The Judicial Officers/Juvenile Justice Board are directed to take steps to restrict access to victims of immoral trafficking only for their parents or close relatives or any other N.G.O. or social worker or counsellor. In order to curb the approach of traffickers, orders may be passed expeditiously to enable the police to remove the victims from the public place to the respective shelter homes.

(d) The Judicial Officers/Juvenile Justice Board are directed to send statements to the Member Secretary, Tamil Nadu State Legal Services Authority once every quarter, giving particulars about the institution, pendency and disposal of cases relating to immoral trafficking.

(e) The Judicial Officers/Juvenile Justice Board are directed to conduct in-camera proceedings, whenever necessary.

(f) The Judicial Officers/Juvenile Justice Board must be proactive in dealing with cases relating to immoral trafficking and avoid mechanical remand of victims of immoral trafficking and ensure that the victims of immoral trafficking are not treated as accused and also ensure that cases are registered against the traffickers and the traffickers are dealt with sternly.

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(g) The Judicial officers/Juvenile Justice Board must ascertain from the victims of immoral trafficking about their personal belongings and a register be maintained to enter the list of personal belongings of the rescued victims and appropriate directions be issued to the Superintendent of Vigilance Homes/Protective Homes/Juvenile Homes to make sure that the personal belongings of the rescued victims are returned to them after their release.

The State is directed to file a further action taken report within a period of three months from today. Post the matter for further directions on the 6th of August, 2007.

Sd/
Asst. Registrar

/true copy/

7-4-2007
15507
Sub Asst. Registrar

1. The Secretary
Government of Tamil Nadu
Home Department, Fort Saint George
Chennai - 9

2. The Secretary,
Government of Tamil Nadu
Social Welfare Department, Fort Saint George
Chennai 9

3. The Dean
Institute of Mental Health Institute,
Kilpauk, Chennai - 10

4. The Director,
Juvenile Justice Board Chennai

5. The Chief Metropolitan Magistrate
Egmore, Chennai 600 008

6. The Commissioner of Police,
Egmore, Chennai 600 008

7. The Superintendent (Government Vigilance Home/Government
Protective Home) Arasinar Magalir Kappagam
Mylapore Chennai 600 004

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7a. All Chief Judicial Magistrate in Tamil Nadu and Pondicherry

8. All the Judicial Magistrates of State of Tamil Nadu

9. The Sub Assistant Registrar, Writ Section
High Court, Madras

10. The Section Officer,
"B" Section, High Court, Madras

(for taking further action as directed by Hon'ble CJ)
to communicate this order to all the Magistrates)

11. The Member Secretary,
T.N. Legal State Legal Services Authority

+ one cc to the Government Pleader sr no. 24542

Dated: 13.04.2007

ORDER

WP NO. 36807 of 2006

Giving Directions etc as stated within

mdr (co)
nm (10.05.07)

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