

TAMIL NADU STATE JUDICIAL ACADEMY
in association
with UNICEF

Workshop for the Presiding Officers of POCSO Courts, Doctors,
Police Officers and Special Public Prosecutors
on Effective implementation of POCSO Act, 2012

Event Report

The Tamil Nadu State Judicial Academy in association with UNICEF conducted a One Day Workshop for the presiding officers of POCSO courts, Doctors, Police officers, and Special Public Prosecutors on effective implementation of POCSO Act, 2012 at TNSJA Headquarters, Chennai on 20th November 2022. The programme commenced at 9.30am with the invocation song ‘தமிழ்த்தாய் வாழ்த்து’. Breakfast, Lunch, Tea and snacks were provided to all the participants.



The welcome address of the workshop was delivered by Mr. G. Kumaresan, Social Policy Specialist, UNICEF Office for Tamil Nadu & Kerala. Firstly, he emphasized that children should have multi-faceted support system. He stated that many states are in the process of establishing child welfare units

and it is the responsibility of every individual to serve children. He stressed that the various stakeholders have to come together to bring the change in security of children and insisted that Prevention mechanism is important to control abuse of children. He also spoke about initiative brought by Tamil Nadu state welfare Department, a program called Tirupupumunai for the development of children.

Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy elucidated the scope and object of the programme. He stated that the main objective of the workshop is for the betterment of children and to lighten the lives of the children who have been abused. He said there is a need to identify the gaps in implementation of POCSO act and to understand the level of awareness of various stakeholders regarding POCSO and to effectively train the stakeholders to initiate better system for affected children and their families. He focused on the areas with regard to the need for Swift Disposal of applications for Interim Compensation, Quantum of solace and monitoring speedy disbursement of compensation. He stressed on the importance of multi-stakeholder convergence on the issue of child protection



The first working session of the workshop was on the topic “Interim and Final Compensation: Role of the Police, Public Prosecutors and the Judge”. The session began with an introduction by Dr. R. Sathya, Sessions Judge, Mahila Court, Pudukkottai. She spoke about the trauma that the child undergoes because of sexual harassment and the victims are treated with

shame rather than support from the society. She highlighted that children must be questioned in a child friendly way and it is the duty of the court to ensure that child is not called frequently to testify. The identity of the child has to be protected throughout the trial proceedings.



The first speaker of the session Ms. C. Kalaiponni, Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Vellore spoke on the topic “The need for Swift Disposal of applications for Interim Compensation”. She highlighted the importance of Swift Disposal of applications for Interim

Compensation, as the main objective of interim compensation is to save life and to cater basic needs of victim, and also the process of disposal of application for interim compensation. She shared her experience in dealing with POCSO cases and grounds on which proceedings have been initiated Suo-moto by the Hon'ble Special Courts for grant of interim compensation.

The second speaker, Mr. S. Nagarajan, Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Tiruppur spoke on the topic “Quantum of Solace”. He firstly insisted that, the victim have to be appropriately compensated. He asserted that delays take place in trials, for which the child should not be denied monetary relief. He also shared his experience in awarding of compensation towards affected children and various factors such as gravity of offence, physical harm, child’s medical treatment, educational expenses etc. are to be considered in disposal of compensation.





Finally, the session was concluded by lecture of Mr. T. Munusamy, Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Ramanathapuram. He spoke about the aspect of Monitoring speedy disbursement of Compensation. He insisted that all the stakeholders should have one window solution system to resolve undue delay, while disbursing victims' compensation in sexual abuse cases.

The next session was on “Challenges in getting adequate and timely compensation” by Ms. Vidya Reddy, Executive Director, TULIR, Chennai. She spoke about interim compensation and reiterated that; survivor needs to be given compensation immediately without any delay. She shared her experience as a support person to the survivors, where survivors and their families suffer due to inadequate compensation and unreasonable delay in disbursement of final compensation. She also stated that children and families find it difficult to engage with Police. She emphasized that stakeholders need to work together to make the system more approachable, comfortable and accessible.



After a short tea break the next session was handled by Mr. E.V. Chandru @ E. Chandrasekaran, Advocate, High Court of Madras. He presented how effectively POCSO act can be implemented, and also opined that all the stakeholders will have to work in unison for protection of children. Since this workshop was a multi stakeholder, he addressed each stakeholder distinctly. He insisted that the Police should make arrangement for the care and protection of the child, such as

providing emergency medical treatment for the child and placing the child in a shelter home.



He stated that Doctors are first point of reference in confirming whether the child has been the victim of sexual abuse. If the child is abused the doctors is required to report to

appropriate authorities. He also reiterated the fact that any person conducting the ‘two-finger test’ on rape or sexual assault survivors will be found guilty of misconduct. He had cited *Lillu v. State of Haryana* wherein Supreme court had held that the two-finger test violates the right of rape survivors. He had cited several case laws which provided in depth knowledge to stakeholders to conduct the trial in an effective manner by considering best interest of the child.

Post lunch session was on “Co-operation expected from other stakeholders” representative from each group came forward to express their views and concerns, Ms.Tamilselvi, Inspector, AWPS, Melmaruvathur, Dr.Shanthi, Professor, Institute of Child Health and Hospital for Children, Chennai, Ms. G. Muthulakshmi, Special Public Prosecutor, Special Court for POCSO Act Cases, Thoothukudi and Ms. R. Malathi, Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Erode.



The next session was an interactive session titled “How to fulfill the expectations?” by Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy. In order to understand how stakeholders can act swiftly in dealing with POCSO cases, Director had posed questions randomly to stakeholders on hypothetical scenario and explained how such situations can be handled in an effective manner.



Last session was an Activity based learning for effective implementation of POCSO Act by Mr. D. Lingeswaran, Director, Tamil Nadu State Judicial Academy. In this session Director had framed multiple questions on POCSO cases and stakeholders were asked to respond to those question through Google forms. Based on those responses Director had shared his views on how effectively POCSO act can be implemented.

The programme concluded with the proposal of Vote of Thanks by the Deputy Director, Mr.R.A.S. Anandaraj, Chennai of Tamil Nadu State Judicial Academy. He thanked all the participants and resource persons for making the Workshop a success.



