

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

SuoMotu Writ Petition No. /2024

Date: 10 -12-2024

***Suomotu* in reference to compliance of section 43 of the
Protection of Children from Sexual Offence Act, 2012.**

1. While hearing the Criminal Appeals filed in the High Court against the conviction under the penal provisions of the Protection of Children from Sexual Offence Act, 2012,(hereinafter referred to as 'the POCSO Act ') we have noticed that there is substantial growth of offences of sexual assault and sexual harassment with the child below the age of 18 years.
2. The Union of India found that sexual offences against children are not adequately addressed by existing law, therefore the Protection of Children from Sexual Bill was passed by both Houses of Parliament which received the assent of the President on 19th June 2012 and came on the Statute Book as **The Protection of Children From Sexual Offences Act, 2012**w.e.f 14.11.2012.
3. Chapter II of the POCSO Act deals with sexual offences against children. As on today a large number of trials are pending in various Special Courts established under the POCSO Act in the entire Madhya Pradesh and a total of 14531 Criminal Appeals are pending in all three Benches of the High Court of Madhya Pradesh. In most of the cases, we found that the age of the victim/child/girl is between 16 to 18 years and the age of the offender is 19 to 22

years. In our opinion, this is a serious issue and threat to the future of the youth of the country. The main reason for this substantial growth of crime of this nature is because of a lack of awareness about the provisions of the POCSO Act.

4. Section 43 of the POCSO Act casts a duty upon the Central Government and every State Government to take every measure to ensure that the provisions of this POCSO Act are given wide publicity through media including the television, radio and print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act. It further provides that the concerned persons including the police officers are imparted periodic training on the matters relating to the implementation of the provisions of the Act. Section 44 provides monitoring of the implementation of the POCSO Act by the National Commission for Protection of Child Rights and the State Commission for Protection of Child Rights.
5. Therefore, we are taking this matter *suomotu* in order to enquire from the Central Government as well as the State Government of Madhya Pradesh as to what steps have been taken under Sections 43 and 44 regarding the implementation of the POCSO Act and the rules made thereunder.
6. The registry of this court is directed to register it as a Suo Moto Writ Petition and issue notices on the following:-
 - (i) Union of India through Secretary Ministry of Women and Child Development Department.
 - (ii) State of Madhya through Chief Secretary, State of Madhya Pradesh,

Bhopal.

(iii) State of Madhya Pradesh through Principal Secretary, Women and Child Development Department, M.P.

(iv) Director General of Police, Madhya Pradesh.

(v) National Commission for Protection of Child Rights.

(vi) State Commissions for Protection of Child Rights, M.P.(if established)

7. The aforesaid respondents are directed to file their reply as to what steps have been taken by them to control the offences under Sections 43 and 44 of the Act, 2012.

8. Reply be filed within four weeks.

(SURESH KUMAR KAIT)
CHIEF JUSTICE

(VIVEK RUSIA)
JUDGE

praveen