IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

WEDNESDAY, THE 14TH DAY OF OCTOBER 2026 / 22ND ASWINA, 1948

WP(PIL) NO. 75 OF 2026

PETITIONER/S:

1 DISTRICT COURT BAR ASSOCIATION, THODUPUZHA–MUTTOM, THODUPUZHA–MUTTOM BAR ASSOCIATION OFFICE, DISTRICT COURT COMPLEX, THODUPUZHA, IDUKKI DISTRICT, REPRESENTED BY ITS PRESIDENT, SIBY JOSEPH., PIN - 685584

2 SHAJI JOSEPH
AGED 55 YEARS
S/O JOSEPH, ADVOCATE, SECRETARY, DISTRICT COURT BAR ASSOCIATION OFFICE AT BAR ASSOCIATION OFFICE, DISTRICT COURT COMPLEX, THODUPUZHA, IDUKKI DISTRICT, PIN - 685584

BY ADVS.
SRI.V.M.KRISHNAKUMAR
SMT.P.R.REENA
SMT. POOJA SUNIL

RESPONDENT/S:

1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY, HOME

DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 THE DISTRICT COLLECTOR
IDUKKI, COLLECTORATE, KUYILIMALA, PAINAVU P.O., IDUKKI, PIN - 685603

3 DISTRICT COURT
REPRESENTED BY SHERISTADAR, THODUPUZHA, DISTRICT COURT COMPLEX MUTTOM THODUPUZHA, IDUKKI DISTRICT, ,, PIN - 685587

4 HIGH COURT OF KERALA
REPRESENTED BY ITS REGISTRAR,(GENERAL) HIGH COURT OF KERALA, ERNAKULAM, PIN - 682031

5 DIRECTOR
DIRECTORATE OF WOMEN AND CHILD DEVELOPMENT DEPARTMENT, POOJAPPURA, THIRUVANANTHAPURAM, PIN - 695012

6 THE REGISTAR
(DISTRICT JUDICIARY), HIGH COURT OF KERALA , ERNAKULAM, PIN - 682031

BY ADVS.
GOVERNMENT PLEADER
SHRI.HARIKUMAR G. (GOPINATHAN NAIR)
DIRECTOR GENERAL OF PROSECUTION

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME UP FOR ADMISSION ON 14.10.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 14th day of October 2026

SOUMEN SEN, C.J.

Heard Ms. Pooja Sunil, learned counsel for the petitioner, Mr. Asaf Ali, learned Director General of Prosecution and Mr. Harikumar G., learned counsel for the High Court Administration.

2. Mr. Asaf Ali, learned Director General of Prosecution, submits that, in view of the definition of "Children's Court" under Section 2(20) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short, the "JJ Act"), Special Public Prosecutors appointed for cases under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) should also be permitted to conduct non-POCSO cases, including cases under the JJ Act. This submission is founded on the definition of "Children's Court" under Section 2(20) of the JJ Act, which is reproduced below:

> *"Children's Court" means a Court established under the Commissions for Protection of*

> *Child Rights Act, 2005 (4 of 2006) or a Special Court under the Protection of Children from Sexual Offences Act, 2012 (32 of 2012), wherever existing and where such Courts have not been designated, the Court of Sessions having jurisdiction to try offences under the Act."*

3. In this Public Interest Litigation, we are concerned with the appointment of Public Prosecutors exclusively for cases under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The Government Order under challenge permits Special Public Prosecutors appointed for POCSO cases to conduct non-POCSO cases instituted under the Juvenile Justice (Care and Protection of Children) Act, 2015. This apparently is in conflict with the directions issued by the Hon'ble Supreme Court in ***Suo Motu Writ Petition (Crl) NO. 1 of 2019 with Writ Petition (C)No. 819 of 2019***[1] by order dated 8th January 2020, wherein the need for exclusive Public Prosecutors for POCSO cases was emphasised in the

1 (2020) & SCC 130

following paragraphs:

> *7. In our earlier orders we had emphasised the need to have exclusive Special Public Prosecutors for POCSO cases. Section 32 of the POCSO Act clearly lays down that there shall be Special Public Prosecutors for the POCSO cases. Sub-section (1) of Section 32 reads as follows:*
>
> *"32. Special Public Prosecutors.-(1) Every State must by Notification appoint a Special Public Prosecutor for every Special Court for conducting cases only under the provisions of the Act."*
>
> *(emphasis supplied)*
>
> *The language of the Act leaves no manner of doubt that the Special Public Prosecutor under the Act should not deal with other cases.*
>
> *8. There is a salutary reason for appointing Public Prosecutors exclusively for POCSO cases. Public Prosecutors must be trained to deal with child victims and child witnesses.*

They need to understand the psychology of children. They need to empathise with children. They need to know how to bring out the truth from children who are victims of sexual abuse and have to undergo the trauma again while recounting the traumatic experience.

9. The job assigned to the Public Prosecutor for POCSO cases is a very onerous one which must be carried out with great care and sensitivity. Therefore not only is there a need to have exclusive Public Prosecutors but there is also a need to develop a training programme where these Special Public Prosecutors should be trained to deal with issues which will arise in their Courts. These issues may not be confined to legal issues which otherwise Public Prosecutors may be trained to deal with. The issues may be psychological, health and other related issues.

10. Keeping in view these factors, we direct all the States who are present before us to take

steps to appoint exclusive Public Prosecutors in all the Courts which have been set up exclusively for POCSO cases. We request the Chief Justices of all the High Courts to ensure that in the Judicial Academy of the State special programmes are developed so that these Special Public Prosecutors attached to POCSO Courts are imparted training not only in law but also in child psychology, child behaviour, health issues, etc. We also request the Director of the National Judicial Academy to ensure that a training programme is developed in the National Judicial Academy to train master trainers who can then work in the Judicial Academies in each State. We realise that the National Judicial Academy cannot train all the Special Public Prosecutors in the country but they can prepare a team of master trainers who can travel from State to State to impart training to the persons appointed as Special Public Prosecutors.

4. In view of the aforesaid, the Government Order permitting Special Public Prosecutors appointed for POCSO

cases to conduct non-POCSO cases cannot be sustained. The State Government is directed to appoint Special Public Prosecutors exclusively for POCSO cases within six weeks from date.

5. The affidavit filed by the 6th respondent regarding the infrastructure available for POCSO cases is taken on record. The State Government is directed to consider the establishment of the remaining 13 permanent, exclusive POCSO Special Courts, one in each district except Ernakulam, in compliance with the directions of the Hon'ble Supreme Court. The decision taken in this regard shall be communicated to the High Court Administration within four weeks from the date of communication of this judgment.

6. The Registrar (District Judiciary) is directed to ensure that all POCSO Courts conform to the provisions of the POCSO Act. If any of the existing POCSO Courts do not comply with all or any of the prescribed requirements, immediate steps shall be taken to carry out the necessary

additions and alterations to ensure compliance with the provisions of the POCSO Act and the guidelines under the JJ Act. All the shortcomings identified in paragraphs 10 and 11 of the affidavit filed by the 6th respondent shall be rectified at the earliest. The State Government is directed to provide the necessary financial and other assistance to enable the High Court Administration and the Registrar (District Judiciary) to carry out the requisite modifications to the existing infrastructure of the POCSO Courts.

The W.P.(PIL) is accordingly disposed of.

Sd/-

SOUMEN SEN
CHIEF JUSTICE

Sd/-

SYAM KUMAR V.M.
JUDGE

uu/14.10.2026

APPENDIX OF WP(PIL) NO. 75 OF 2026

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE JUDGMENT IN SUO MOTO WRIT PETITION (CRIMINAL) NO. 1 OF 2019 DATED 15.05.2025**
Exhibit P2	**TRUE COPY OF THE JUDGMENT REPORTED IN RE: ALARMING RISE IN THE NUMBER OF REPORTED CHILD RAPE INCIDENTS V. REPORTED IN (2025(4) KHC 48)**
Exhibit P3	**A TRUE COPY OF THE GOVERNMENT ORDER DATED 6.12.2025**

RESPONDENT EXHIBITS

EXHIBIT R1(A)	**True copy of the statement showing the details of Childrens Courts and case pendency**
EXHIBIT R1(B)	**True copy of the details regarding the appointed Special Public Prosecutors and Public Prosecutors vide Letter No. 2250/E/2026/DGP dated 27/07/2026.**
Exhibit R6(f)	**A true copy of the letter bearing No. HCKL/2327/2026-DI-8-HC KERALA dated 10.09.2026**
Exhibit R6(a)	**A true copy of the communication No.15017/03/2025-Jus-II/10119 dated 25.09.2025 of the Department of Justice**
Exhibit R6(b)	**A true copy of the communication of the Hon'ble High Court of Kerala bearing No. D7A(1)-56450/2018/D7(B)/DII-3/DII-4 (1) dated 21.10.2025 conveying the decision to the Department of Justice**
Exhibit R6(c)	**A true copy of the communication of the Hon'ble High Court of Kerala bearing No. D7A(1)-56450/2018/D7(B)/DII-3/DII-4 (2) dated 21.10.2025**
Exhibit R6(d)	**A true copy of the communication of the Hon'ble High Court of Kerala bearing No. D7A(1)- 86497/2012/DII-1/DII-4**

	dated 04.10.2025
Exhibit R6(e)	**A true copy of the district-wise, consolidated statement showing the number of Courts having a Vulnerable Witness Deposition Centre (VWDC), a Child-Friendly Room, separate entry and exit, an exclusive waiting area, separate toilets and video conferencing facilities**