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ABSTRACT

School Education - Safety and Security of Children in Schools- Action against the delinquents for the offences under the Protection of Children from Sexual Offences Act 2012 - Standard Operating Procedure - Orders - issued.

School Education (GL1(2)) Department

G.O. (Ms) No.89 **Dated:03.04.2025.**
திருவள்ளுவர் ஆண்டு 2056
குரோதி வருடம், பங்குனி 20

Read:

1. G.O. (Ms) No. 121, School Education (E1) Department, dated.17.05.2012
2. G.O. (Ms) No. 66, Human Resource Management (N) Department, dated 06.07.2022
3. G.O. (Ms) No. 81, Human Resources Management (N) Department, dated 04.08.2022

ORDER:

Whereas Schools should provide a safe and secure learning environment for students, it is necessary to ensure that the school environment promotes physical, emotional, intellectual and social well-being of children. Safe schools are essential for fostering a healthy learning environment where students can focus on their education without fear. Students must be protected from any kind of physical, emotional and sexual abuse.

2. *"Manavar Manasu"* is an initiative, implemented by this Department, where a "complaint box" is placed in schools to receive written complaints and suggestions from the students. These complaints are properly redressed and this encourages the students to come forth and lodge their complaints without fear.

(p.t.o.)

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3. Stringent child protection laws such as Protection of Children from Sexual Offences Act, 2012 (POCSO Act, 2012) and other guidelines regarding the safety of school Children are in place.

4. In pursuance of the mandate under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) and to safeguard children from sexual offences, Government deems it necessary to issue this order for the effective implementation, monitoring and enforcement of the provisions of the said Act. Government has zero-tolerance towards any kind of sexual offences against children and expeditious action should be taken against the accused / delinquents.

5. In G.O.1st read above, Government has issued elaborate guidelines for taking disciplinary action against the teachers/staff involved in any kind of sexual offences against school children.

6. In G.O.2nd read above, Government has ordered that there will be no bar to initiate/ continue departmental disciplinary proceedings during the pendency of criminal case before a Court of Law and the same may be concluded without awaiting the outcome of the criminal case. It is also stated therein that there is no legal bar for conducting both criminal and departmental proceedings simultaneously.

7. In G.O. third read above, a compendium of instructions for the review of suspension, pending enquiry into grave charges and time limit for finalization of disciplinary proceedings was issued. Paragraph 11(ix) of the said G.O., states that the time limits prescribed mentioned therein will not be applicable to the cases of Government servants against whom criminal proceedings have been initiated.

8. Government hereby issues the following Standard Operating Procedure to be followed in cases pertaining to the offences under the Protection of Children from Sexual Offences Act 2012 (hereinafter referred to as "the said Act"), namely:-

STANDARD OPERATING PROCEDURE FOR TAKING ACTION AGAINST THE DELINQUENTS UNDER POCSO ACT, 2012, IN SCHOOLS

1. Informing the Police:

Any teacher, staff or student who has apprehension that any of the sexual offences, defined in the provisions of the said Act 2012, is likely to be committed or has knowledge that such an offence has been committed against a school student, shall provide such information to the special juvenile police unit or the local police immediately.

(p.t.o)

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2. Informing Other Authorities:

a. Whenever a complaint/information is received regarding any sexual offence, committed or likely to be committed against a student, the same should be informed by the Headmaster/Principal of the school to the jurisdictional Chief Educational Officer (CEO), Child Welfare Protection Officer (CWPO) and the District Child Protection Officer (DCPO) on the same day itself.

b. If the complaint/information is against the Headmaster/Principal of a school, then any person/teacher/staff who receives the complaint/information should intimate the same to the Chief Educational Officer (CEO), Child Welfare Protection Officer (CWPO) and the District Child Protection Officer (DCPO) concerned on the same day itself.

c. Complaint can be made in writing or via telephone or through Child Helpline No. 1098 or in any electronic/digital form. A proper record of the complaints with details of sexual offences against the students, with time and date has to be maintained for record purposes.

d. Disclosure of identity of the child (name, age, address, photograph, family details, school, neighbourhood, or any other related particulars) is strictly prohibited and is an offence.

3. Enquiry to be Conducted by the Authorities:

a. On receipt of information regarding any sexual offences under the said Act, the District Child Protection Officer (DCPO) shall take immediate action to conduct an enquiry within two days following due process.

b. A statement from the victim and the delinquent must be recorded at the time of enquiry by the DCPO.

c. On completion of the preliminary enquiry, the District Child Protection Officer should send his findings in the form of an enquiry report in a sealed cover to the CEO within two days of completion of enquiry. In that report, it should be clearly stated whether a prima facie case is made out regarding the commitment of an offence under the POCSO Act, 2012.

4. Suspension of the Delinquent :

If the report of the DCPO reveals prima facie evidence of the occurrence of any sexual offence under the said Act, the delinquent should be suspended on the same day by the authority competent to suspend him.

(p.t.o)

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5. Initiation of Departmental Action and Imposition of Penalty against the Accused :

a. **Framing of Charges:**

- Once the suspension order is issued under the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the charges should be framed within 7 days by the Chief Educational Officer or the Competent Authority.
- If the CEO is not the Authority to frame charges under rule 17(b) of the aforesaid Rules, then the CEO should forward the report along with the relevant enclosures on the same day itself to the competent authority who in turn should frame the charges against the delinquent.

b. **Simultaneous Criminal and Departmental Actions:**

- It is a well-settled legal position that simultaneous criminal and departmental actions can be taken against the delinquents involved in criminal activities. Apart from the charges relating to sexual offences under the said Act, the charges shall be framed for violation of provisions contained in rules 19(2) of the Tamil Nadu Government Servants Conduct Rules, 1973. Initiation of criminal action should not be made as a charge.

c. **Written Statement of Defence:**

- After framing of charges, one week time shall be granted to the delinquent to submit his written statement of defence.

d. **Inquiry Process:**

- On receipt of the written statement of defence from the delinquent, if he refuses the allegations levelled against him, an Inquiry Officer should be appointed under rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules within 7 days.
- The Inquiry Officer so appointed should complete the enquiry and submit the enquiry report within 30 days.

e. **Examination of the Inquiry Report:**

- On receipt of the enquiry report, the disciplinary authority should examine it carefully and arrive at his decision whether he concurs with the findings of the Inquiry Officer or not. The disciplinary authority shall take a decision on the enquiry report within a period of 10 days.

(p.t.o)

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f. **Further Explanation and Final Decision:**

- If the charges are proved and the disciplinary authority agrees with the findings of the enquiry report, he should communicate the Inquiry Officer's report to the delinquent and direct him to submit further explanation on the enquiry report should be obtained within 15 days.
- If the charges are held not proved and the disciplinary authority agrees with the findings, he can proceed accordingly. If he disagrees with the findings of the Inquiry Officer, after examining the enquiry report, he should record the reasons for deviating from the findings and communicate the Inquiry Officer's report along with his disagreement to the delinquent and direct him to submit his further explanation on the findings of the disciplinary authority within 15 days.
- On receipt of further explanation from the delinquent, on the basis of the enquiry report and disagreement recorded by the disciplinary authority, the disciplinary authority should conduct a personal hearing and pass final orders, commensurate with the gravity of charges proved within 7 days.

g. **Penalties:**

- Based on the report of the enquiry officer, if the delinquent is found guilty of the charges framed against him/her, major penalty of compulsory retirement, removal from service, or dismissal from service can be imposed under rule 8 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The guidelines have been issued in G.O (Ms) No.121, School Education Department, dated 17.05.2012 in this regard.

h. **Responsibility of the Disciplinary Authority:**

- It is the responsibility of the Disciplinary authority to ensure that the above instructions are followed scrupulously. If there is any deviation in adhering to the aforesaid timeline by the disciplinary authority, then appropriate disciplinary action shall be taken against them.

6. Initiation of Disciplinary Proceedings against Delinquents, Working in Schools Other Than Government Schools

a. As per rule 27(9) of the Juvenile Justice (Care and Protection of Children) Rules, 2007, the Child Welfare Committee shall facilitate filing of a police complaint and FIR in all cases of sexual violence, exploitation and abuse of children.

(p.t.o)

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b. Where the sexual offences under the said Act are committed in a school other than Government schools against a student, necessary disciplinary action shall be initiated against the delinquent as per rule 29 of Tamil Nadu Private Schools (Regulation) Rules, 2023.

(By order of the Governor)

Chandra Mohan.B.
Principal Secretary to Government.

To
The Director of School Education, Chennai-6.
The Director of Elementary Education, Chennai-6
The Director of Private Schools, Chennai-6.
The Member Secretary, Model Schools, Chennai-6
The State Project Director, Samagra Sheikha, Chennai-6
The Adi Dravidar & Tribal Welfare Department, Chennai-9
The Backward Classes, Most Backward Classes and Minorities Welfare Department, Chennai-9
The Municipal Administration and Water Supply Department, Chennai-9
The Environment, Climate Change & Forest Department, Chennai-9
The Social Welfare and Women Empowerment Department, Chennai-9.

Copy to
The Senior Personal Assistant to Hon'ble Minister School Education, Chennai-9
The Senior Personal Assistant to Hon'ble Minister Human Resource and Management, Chennai-9
The Senior Personal Assistant to Hon'ble Minister Law, Chennai-9.
The Senior Private Secretary to Chief Secretary to Government, Chennai-9.
The Senior Private Secretary to Principal Secretary, School Education Department, Chennai-9
The Human Resources Management Department, Chennai-9.
The Law Department, Chennai-9.
The Home, Prohibition and Excise Department, Chennai-9.
Public (L &O) Department, Chennai-9.
SF/SC

//Forwarded By order//

3/4/25
Section Officer.
3/4/25

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