

The POCSO Act, 2012

Section 36 - (J) The Special Court shall ensure that the child is not exposed to the accused at the time of recording of the

2000. Act, 2000, offence by child and (2) If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself of age by ascertaining the age of such person and it shall record in writing its reasons for such determination. Special Court Y : [Part I THE GAZETTE OF INDIA EXTRAORDINARY deemed to be invalid merely by any (3) No order made by the Special Court shall be void by it under sub-section (2) was not subsequent proof that the age Of a person as determine the correct age of that person within a period of thirty days of the Period for 34, (/) The evidence of the child shall be recorded for delay, if any, shall be recorded recording of Special Court taking cognizance of the offence and reason evidence of by the Special Court to hold and possible, within a period of one (2) The Special Court shall complete the trial, as far as disposal of case year from the date of taking cognizance of the offence. in any way to the Child not to ensuring that the time of of the child and communicate with his advocate testifying. accused is in a position to hear the state Court may record the statement of (2) For the purposes of sub-section (J). the Special Court may take the assistance of a child through video conferencing or by utilising single visibility other device. of the parents of Trials to be 37, The Special Court shall try cases in camera and in the presence conducted in the child or any other person in whom the child has trust or confidence: camera to be Provided that where the Special Court is of the opinion that the child needs examination other than the court, it shall proceed to issue a commission in accordance with the provisions of section 284 of the Code of Criminal Procedure, 1973 or Assistance of MR (/) Wherever necessary, the Court may take the assistance of a translator or interpreter having such qualifications, experience and on payment of such fees as may be prescribed, while recording the evidence of the child. while recording the Special Court may take the assistance (2) if a child has a mental or physical disability, evidence of child of a special educator or any person familiar with the manner of communication of the child or an expert in that field, having such qualifications, experience and on payment of such fees as may be prescribed to record the evidence of the child. (CHAPTER IX MISCELLANEOUS Guidelines for