

ITEM NO.56

COURT NO.12

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.) NO.11263/2025

[Arising out of impugned final judgment and order dated 05-03-2025 in CRLRC No.373/2025 passed by the High Court of Judicature at Madras]

G. GANESH

PETITIONER(S)

VERSUS

STATE OF TAMIL NADU & ORS.

RESPONDENT(S)

IA No.180112/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No.180113/2025 - EXEMPTION FROM FILING O.T.

IA No.72070/2026 - INTERVENTION/IMPLEADMENT

IA No.88992/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 22-05-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

COMMITTEE MEMBERS:

Ms. Mukta Gupta, Sr. Adv.
Mr. S.D. Sanjay, ASG
Mr. H.S. Phoolka, Sr. Adv.
Dr. P.M. Nair, IPS (Retd.)

AOR for Committee Mr. Anuj P. Agarwala, Adv.
Ms. Nitya Gupta, Adv.
Mr. Akshat Agarwal, Adv.
Mr. Divyam Agarwal, Adv.
For M/s PBA Legal

For Petitioner(s) :Ms. Aarthi Rajan, AoR
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Mr. S. Santanam Swaminadhan, Adv.

Ms. Abhilasha Shrawat, Adv.
Mr. Kartik Malhotra, Adv.
Mr. Aman Rawat, Adv.

For Respondent(s) : Mr. Sabarish Subramanian, AoR

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Ms. Vanshika Singh, Adv.

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Mr. Kumar Saurav, Adv.

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Ms. Kritika Yadav, Adv.

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Ms. Srishti Jain, Adv.
Ms. Rekha, Adv.
Ms. Neeta Verma, Adv.
Mr. Tanuj Dixit, Adv.
Ms. Reba Jena Mishra, Adv.

Mr. Anukirat Singh Baweja, Adv.
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Mr. Ayush Panwar, Adv.
Ms. Neelam Singh, AoR
Mr. Bhupender Yadav, Adv.
Mr. Sameer Singh, Adv.
Mr. Swagat Nanda, Adv.

Mr. Rajiv Shankar Dwivedi, Adv.
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Mr. Sujeet Kumar Chaubey, Adv.
Ms. Anushka Raghunath, Adv.

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Mr. S.k. Sharma, Adv.
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Mr. Muhammed Siddick, Adv.
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Mr. Mahabir Singh, Adv.

Ms. Manisha T. Karia, AAG
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Mr. Khushal Kolwar, Adv.
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Ms. Rachna Tyagi, Adv.
Mr. Saksham Maheshwari, AoR
Ms. Shashi, Adv.
Ms. Taruna Panwar, Adv.
Ms. Surabhi Katyal, Adv.
Ms. Surpreet Kaur, Adv.
Mr. Kartik Goyal, Adv.

O R D E R

Heard Mr. S.D. Sanjay, learned Additional Solicitor General (ASG), Convenor and Coordinator of the Committee constituted by this Court, Ms. Mukta Gupta, learned Senior Advocate, Mr. H.S. Phoolka, learned Senior Advocate and Dr.P.M. Nair, former IPS Officer.

2. Having regard to the fact that Ms. Aparna Bhat, learned Senior Counsel who is active in the field of issues relating to human trafficking, we add her as a Member of the team constituted by this Court. She is also present in Court and the Court has interacted with her.

3. We have been apprised that the Committee has already met five times and certain specific proposals have been deliberated and the same have been disclosed in the status

report filed by Mr. S.D. Sanjay, learned ASG, enclosing the minutes of all the five meetings. The same is taken on record.

4. Having discussed the matter at length, for the present, the following directions are issued:

(i) The Ministry of Home Affairs, Government of India is directed to set into place an all India grid connecting each and every police station in the country on one platform, which shall have a special portal dedicated to human trafficking, including missing children and women. At this stage, a suggestion has come that the portal would be more meaningful if linked with the portal of Mission Vatsalya and the Crime and Criminal Tracking Network System (CCTNS). We find the suggestion to be useful. Accordingly, a direction is issued to come up with a module integrating all the three portals together.

(ii) All Police Stations are directed to immediately register an FIR the moment any information reaches them with regard to any person missing, without waiting for any preliminary enquiry or leaving it to the guardians or family members of the missing person to first search for him/her. We add a note of caution that if the

missing person is restored to his/her family within 24 hours, the head of the police force of the concerned district shall not forward a copy of the FIR to the jurisdictional Court, and the matter may stand closed at that level itself. However, this shall not mean that the police machinery would remain inactive. On the contrary, the police machinery shall be activated immediately, at its highest level, for tracing and locating the missing person, as such prompt action is worth the exercise even if the person is traced or returns within 24 hours, rather than waiting for the expiry of 24 hours before initiating action, by which time, it may already be too late. Needless to overemphasise, the initial few hours from the time any person goes missing are the "golden hours" during which the chances of safe recovery are at their maximum.

(iii) The FIR so registered shall mandatorily incorporate the relevant provisions of the Bharatiya Nyaya Sanhita, 2023 and any other applicable statutory provisions relating to kidnapping, abduction or trafficking of a person or child.

(iv) Immediately upon the investigating agency/police having sufficient reason to believe that the case relates to trafficking, and without

waiting for the expiry of the four months' period, the matter shall be transferred to the specialised unit, if constituted in the area, dealing with offences relating to human trafficking, kidnapping, abduction and allied offences.

(v) At his juncture, Dr. P.M. Nair has informed the Court that Anti Human Trafficking Units (AHTUs) have been constituted on paper throughout the country, but many of them are either non-functional on the ground or lack adequate powers, manpower and resources to effectively deal with such offences. Taking note of the seriousness and urgency of the matter, a mandamus is issued to the Union of India as well as to all States and Union Territories (UTs), through their respective Home Secretaries and Directors General of Police, to ensure that all AHTUs are made fully functional and operational within four weeks from today.

(vi) Learned counsel appearing for the States/UTs shall communicate the present order to the concerned authorities for strict and immediate implementation.

(vii) The moment any person, including a child, is recovered, it shall be ensured without any delay that the person is restored to his / her family in

accordance with law, subject to due verification that the person is being restored to the rightful guardian. Procedural formalities shall not be pleaded as a defence in the event of inordinate delay in restoration. However, in cases where it is found that the victim was trafficked with the involvement or connivance of the family or guardians, the victim shall not be restored to such family and immediate responsibility for care and protection shall vest in the State authorities, including the Child Welfare Committees (CWCs).

(viii) We endorse and direct that the moment any missing person is recovered or rescued, he or she shall immediately be taken for Aadhaar verification or for issuance of an Aadhaar Card, as the case may be. This direction is being issued in view of the fact that for the purpose of procuring an Aadhaar Card, finger prints and other biometric details are captured, and the moment any attempt is made by the same person to obtain another Aadhaar Card, the system would reveal whether such person already possesses one, thereby greatly facilitating identification and restoration of the person to his or her family. The verification of the Aadhaar Card may be carried out by any readily available

authorised agency so as to avoid any delay or loss of valuable time.

(ix) The concerned District Child Protection Units (DCPUs) where the person is found or rescued, shall discharge their statutory obligations with due diligence and utmost priority. The Juvenile Justice Committees of the High Courts are requested to monitor compliance in this regard. We also direct that all agencies, including the District Legal Services Authorities and similar institutions, shall fully cooperate and coordinate with the concerned authorities in this exercise.

(x) We further endorse and direct the authorities concerned to examine the feasibility of issuing Aadhaar Cards at the place of birth itself, subject to voluntary consent of the parents/ guardians.

5. Before concluding, we deem it appropriate to address an issue highlighted by the learned ASG concerning the appointment and functioning of Nodal Officers by the States and UTs pursuant to earlier orders of this Court. It has been brought to our notice that Nodal Officers are often appointed in a casual manner and on several occasions, they do not even attend the conferences or meetings convened in connection with the present

proceedings, nor do they respond appropriately. It has further been noticed that they frequently depute subordinate officers to represent them at such meetings or conferences. In many instances, Nodal Officers have also been changed at very short intervals, thereby affecting continuity and effective coordination.

6. Keeping the aforesaid concerns in mind, we direct all the Home Secretaries and Directors General of Police of the respective States and UTs to designate, for the present Committee, a Nodal Officer of proven integrity and competence, preferably possessing experience in matters of this nature. The said Nodal Officer shall be duty-bound to promptly respond to and extend all assistance sought in relation to the functioning of the Committee. Under no circumstances shall such officer delegate or pass on the said responsibility to any colleague or junior officer. The Nodal Officer shall further ensure that all steps taken, reports generated, or suggestions made by their respective States or UTs in relation to the issues pending before this Court are promptly communicated to Mr. S.D. Sanjay, learned ASG and Convenor of the Committee, as well as to the Secretary, Ministry of Home Affairs, Government of India, the Departments of Home of all the States or UTs, the Directors General of Police, and the Secretaries of the Women and Child Welfare Departments of the

respective States and UTs.

7. Before the next date of hearing, an updated status report, along with details of the action taken by the Union of India, the States, the UTs, and the concerned Departments, shall be placed on record by way of an affidavit personally affirmed by the respective Nodal Officers. A copy of the same shall also be forwarded through e-mail to the Coordinator of the Committee prior to its filing before this Court.

8. List on 05.08.2026 at 2.00 p.m.

(POOJA SHARMA)
AR-CUM-PS

(ANJALI PANWAR)
ASSISTANT REGISTRAR