

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS**
Wednesday, the 22nd day of February 2023 / 3rd Phalgun, 1944

BAIL APPL. NO. 3273 OF 2022

CRIME NO. 123/2022 OF OTTAPALAM POLICE STATION, PALAKKAD

PETITIONER/ACCUSED:

1. ANOOP AGED 23 YEARS SON OF CHAMI, VARIYATHPARAMBIL HOUSE, CHUNANGAD (P.O), AMBALAPPARA, PALAKKAD DISTRICT, PIN - 679511

RESPONDENT/STATE:

1. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, PIN - 682031
2. ADDL.R2 STATE OF KERALA, REPRESENTED BY THE SECRETARY DEPARTMENT OF EDUCATION, THIRUVANAHPURAM. ARE SUO MOTU IMPLEADED AS PER ORDER DATED 08/06/2022.
3. ADDL.R3 CENTRAL BOARD OF SECONDARY EDUCATION, REPRESENTED BY ITS DIRECTOR=GENERAL, NEW DELHI ARE SUO MOTU IMPLEADED AS PER ORDER DATED 08/06/2022.
4. ADDL.R4 KERALA STATE LEGAL SERVICES AUTHORITY, MEMBER SECRETARY, HIGH COURT OF KERALA, ERNAKULAM, ARE SUO MOTU IMPLEADED AS PER ORDER DATED 08/06/2022.
5. ADDL.R5 DIL SE, MANASSERY MURI, MUDAMUELI P.O, KOCHI 682507 REP BY ITS TRUSTEE DR.JANAKI SANKARAN, RESIDING AT 50/465B, MANIMALA CROSS ROAD, EDAPPALLY, ARE IMPLEADED AS PER ORDER DATED 27/06/2022 IN CRL.M.A.NO.1/2022 IN B.A.NO.3273.
6. ADDL.R6 PARVATI NAMBIAR, AGED 21 YEARS D/O RAMAKRISHNAN P, SOUPARNIKA, RARISHAN ROAD P.O, ERANHIPALAM, PIN-673006.ARE IMPLEADED AS PER ORDER DATED 27/06/2022 IN CRL.M.A.NO.2/2022 IN B.A.NO.3273/2022.

This Bail application again coming on for orders upon perusing the petition and this court's final order dated 26.08.2022 & order dated 13.02.2023 and upon hearing the arguments of SRI. NIREESH MATHEW, Advocate for the petitioner, PUBLIC PROSECUTOR for R1 & R2, SRI.NIRMAL S, Advocate for R3, SMT.A.PARVATHI MENON, Advocate for R4 & M/S. K.V.RASHMI & B.MEERA, Advocates for R5, the court passed the following:

BECHU KURIAN THOMAS, J.

B.A.No.3273 of 2022

Dated this the 22nd day of February, 2023

ORDER

This matter relates to implementing the directions of this Court regarding creation of a prevention-oriented programme on sexual abuse to be made as part of the school curriculum.

2. On 22.12.2022, this Court had recorded, based upon an additional report filed on behalf of the State that an Expert Committee was constituted pursuant to the order of this Court on 09.12.2022, comprising of eight members under the Chairmanship of the Director General of Education to implement the directions for creating prevention-oriented programme on sexual abuse in schools. The report stated that the Committee will proactively study the measures to be taken against child abuse and a report will be submitted within the stipulated time.

3. Another report dated 17.02.2023 has been submitted signed by the Additional Director of General Education referring to various measures purported to have been suggested by the Committee. Another additional report dated 21.02.2023 has also been placed, stating that, to facilitate the curriculum revision, focus groups have been formed and other measures are being undertaken.

4. However, it was submitted across the Bar by Adv. Parvathy Menon, learned counsel appearing on behalf of KELSA that, the Committee so appointed has not even met once, nor has Adv. J. Sandhya who is one of the members of the Committee been

intimated officially about her inclusion in the Committee or even been communicated about any meeting.

5. If the above submission is correct, it is an unpardonable state of affairs, practically amounting to defiling the orders of this Court and even misleading this Court by stating in the report dated 17.02.2023 that “the Committee has suggested measures”.

In view of the above, the Director General of Education and the Additional Director of Education, who are the Chairman and Convenor respectively of the alleged Committee formed by the State Government shall appear before this Court on 27.02.2023 at 10.15 a.m., to explain the details of the Committee meetings and the measures taken by them in those alleged Committee meetings. Liberty is granted to the said two officials to appear through video conferencing.



BECHU KURIAN THOMAS, JUDGE

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