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W.P. No.11764/2023

W.P. NO. 11764 OF 2023
AND
W.M.P. NO. 11647 OF 2023

M.DHANDAPANI, J.

This Court, vide order dated 17.04.2023 had passed a series of interim directions in the miscellaneous petition filed by the petitioners. In continuation of the said order, the matter is placed before this Court.

2. Learned senior counsel appearing for the petitioners, pointing out the various provisions of law contained under the Protection of Children from Sexual Offences Act, 2012, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, the Tamil Nadu Prohibition of Harassment of Woman Act, 1998, University Grants Commission (Prevention, Prohibition & Redressal of Sexual Harassment of Women Employees and students in Higher Educational Institutions) Regulations, 2015 and the various guidelines of the Central and State Governments, the National Commission for Children, the Central Civil Services Rules, emphasised that the Internal Complaints Committee constituted by the 1st respondent is not in consonance with the provisions of law and further submitted that the 1st respondent is running various institutions



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under the aegis of Kalakshetra Foundation and it is just and necessary that a comprehensive mechanism covering the various institutions in tandem with the provisions of the various Acts and Rules required to be setup so that the faith of the students in the institution would be secured.

3. However, to the above proposition, learned Addl. Solicitor General appearing for the 1st respondent submitted that the Internal Complaints Committee cannot be constituted in a comprehensive manner to cover all the institutions as the CBSE school and the State Board School run within the campus would not be amenable to the jurisdiction of the Internal Complaints Committee constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. However, he submitted that the Internal Complaints Committee (for short 'ICC') had been reconstituted and if the petitioners have any reservations/grievance with regard to any particular individual in the ICC, the said person would be taken away from the ICC so as to instill confidence in the petitioners with regard to the act of the 1st respondent, which is in the welfare of the petitioners and the other students studying in the College.



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4. It is the further submission of the learned Addl. Solicitor General that insofar as the mechanism for the purpose of safeguarding the students studying in the CBSE/State Board Schools, run by the 1st respondent, necessary policy will be drafted and placed before this Court before the next date of hearing and upon the approval given by this Court and the same would be published. It is further submitted that necessary Complaints Committee will also be constituted and the details of the committee will also be placed before this Court.

5. It is the further submission of the learned Addl. Solicitor General that insofar as the direction issued by this Court in W.M.P. No.11645/2023, it works some hardship to the 1st respondent as the 1st respondent is handicapped from taking action against any faculty and, therefore, to that extent, this Court may clarify the said order.

6. Impleading petitions have been filed by the faculty members, who have since been suspended, on the basis of the allegations raised by the petitioners. Though learned senior counsel appearing for the said impleading petitioners



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sought to implead themselves and arguments were advanced on their behalf, however, at this point of time, this Court is not inclined to take up the said impleading petitions and pass any orders.

7. Learned senior counsel appearing for the 6th respondent, sailed with the arguments advanced by the learned Addl. Solicitor General and submitted that all efforts would be taken by the 6th respondent, as directed by this Court, to instill confidence in the students and maintain the status and dignity of the institution and bring it back to its former glory.

8. Learned Advocate General appearing for the State placed the report of the Women's Commission, which has been filed before the Government in a sealed cover. The said report is received and taken on record.

9. Having heard the learned senior counsel appearing for the parties at length, this Court, before passing final orders on the contentions advanced by the parties, is of the considered view, that certain interim directions need to be passed calling upon certain information based upon which this Court could



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holistically consider the issue in the interest of the petitioners, the other students, individuals concerned as also the institution. In such view of the matter, this Court passes the following order :-

- i) The 1st respondent is directed to place the profiles relating to the members of the ICC constituted by the 1st respondent, dated 3.4.2023, before this Court;*
- ii) The 1st respondent is directed to frame the policy and constitute the Complaints Committee with respect of the schools run by it, both CBSE & State Board, keeping in mind the provisions of the Prevention of Sexual Harassment Act and also the other enactments, including the University Grants Commission (Prevention, Prohibition & Redressal of Sexual Harassment of Women Employees and Students in Higher Educational Institutions) Regulations, 2015, the various guidelines of the Central and State Governments, the guidelines of the National Commission for Protection of Children and also the guidelines issued by the Central Board of Secondary Education, in a comprehensive manner and*



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care shall be taken to include the Parents and Teachers in the Complaints Committee, which would be constituted in furtherance of the said policy framed;

iii) It is hereby clarified that the interim direction dated 17.04.2023, given by this Court in W.M.P. No.11645/2023, would be applicable only insofar as the faculty members, who had spoken up at the 3rd January, 2023 sensitisation meeting in support of the students, held by the ICC, which was pursuant to the dharna held by the students and not in respect of any other faculty members of the 1st respondent institution;

10. List the matter on 07.06.2023.

26.04.2023

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Note to Office :

**Issue Order copy
today, i.e., 26.04.2023**



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