

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 9TH DAY OF MARCH 2022 / 18TH PHALGUNA, 1943

WP(C) NO. 28156 OF 2021

PETITIONER:

UKKASH A

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE SECRETARY
WOMEN AND CHILD DEVELOPMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 3 THE SECRETARY
SOCIAL JUSTICE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 4 THE DIRECTOR
WOMEN AND CHILD DEVELOPMENT DEPARTMENT,
GOVERNMENT OF KERALA, POOJAPPURA P.O.
THIRUVANANTHAPURAM, PIN - 695012
- 5 THE DIRECTOR
SOCIAL JUSTICE DEPARTMENT,
GOVERNMENT OF KERALA, 5TH FLOOR, VIKAS BHAVAN,
PMG, THIRUVANANTHAPURAM, PIN - 695033
- 6 THE DISTRICT COLLECTOR
COLLECTORATE, ALAPPUZHA, PIN - 688001

- 7 THE DISTRICT COLLECTOR
COLLECTORATE, ERNAKULAM, PIN - 682030
- 8 THE DISTRICT COLLECTOR
COLLECTORATE, IDUKKI, PIN - 685603
- 9 THE DISTRICT COLLECTOR
COLLECTORATE, KANNUR, PIN - 670002
- 10 THE DISTRICT COLLECTOR
COLLECTORATE, KASARGOD, PIN - 671123
- 11 THE DISTRICT COLLECTOR
COLLECTORATE, KOLLAM, PIN - 691013
- 12 THE DISTRICT COLLECTOR
COLLECTORATE, KOTTAYAM, PIN - 686002
- 13 THE DISTRICT COLLECTOR
COLLECTORATE, KOZHIKODE, PIN - 673020
- 14 THE DISTRICT COLLECTOR
COLLECTORATE, MALAPPURAM, PIN - 676505
- 15 THE DISTRICT COLLECTOR
COLLECTORATE, PALAKKAD, PIN - 678001
- 16 THE DISTRICT COLLECTOR
COLLECTORATE, PATHANAMTHITTA, PIN - 689645
- 17 THE DISTRICT COLLECTOR
COLLECTORATE, THIRUVANANTHAPURAM, PIN - 695043
- 18 THE DISTRICT COLLECTOR
COLLECTORATE, THRISSUR, PIN - 680003
- 19 THE DISTRICT COLLECTOR
COLLECTORATE, WAYANAD, PIN - 673122
- 20 THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND
CHILD DEVELOPMENT, NEW DELHI

[ADDL. R20 IS IMPLEADED AS PER ORDER DATED
07.02.2022 IN WPC]

OTHER PRESENT:

SRI. V.MANU, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 09.03.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

J U D G M E N T

Dated this the 9th day of March, 2022

S. Manikumar, C.J.

Petitioner, who claims to be a public spirited person, has sought for the following reliefs:

“To issue a writ in the nature of mandamus or an appropriate writ, order, or direction as may be necessary :-

(a) Directing all the District Collectors to strictly comply with the requirements of S.7(1) while constituting or reconstituting LCC.

(b) Directing all the District Collectors to include in the order constituting/reconstituting the Local Complaints Committee, in addition to the names of the Chairperson and members, the contacting details of them, the name of the non-government organisation(s) or association(s) if there is any such member, and the relevant clauses of sub-section(l) of S.7 of the Act as satisfied by each person of the Committee, including the detail that whether the nominated member(s) under S. 7(1)(c) is from the Scheduled Caste or the Scheduled Tribes or the Other Backward Classes or such other minority community as notified by the Central Government.

(c) Directing all the District Collectors to reconstitute every LCC which are not in consonance with (a) and (b).

(d) Directing District Collectors to ensure the timely reconstitution of the Local Complaints Committee.

(e) Directing all the District Collectors to display the order constituting or reconstituting LCC in any conspicuous place in the Collectorate and publish the same in at least two daily newspapers in the local language which, in the opinion of the District Collector, have wide circulation in the district

concerned, and in the website of the collectorate concerned, forthwith the constitution or reconstitution and in any case within three days.

(f) Directing the District Collector- Malappuram to reconstitute the Local Complaints Committee forthwith.

(g) Directing the State government to ensure that every workplace, as defined by s.2(0) of the Act, displays at any conspicuous place, the order constituting or reconstituting the Local Complaints Committee, and publish the same in their website, within seven days from the order has been published by the District Collector

(h) Directing all the District Collectors to ensure the timely submission of the annual reports by the Local Complaints Committee and to comply with the requirement of S.21(2).

(i) Directing all the District Collectors to publish in the website concerned the annual reports submitted by the Local Complaints Committee, within three days from the submission of the reports.

j) Directing all the District Collectors to pay the pending fees/allowances to the Chairperson and such members of the Local Complaints Committee, as prescribed by S.7(4) read with rule 5, within such period as deemed fit by this honourable court

(k) Directing all the District Collectors to pay in future the fees/allowances that will be due to the Chairperson and such members sans delay.

(l) Directing the State Government to ensure the constitution of Internal Complaints Committee in every workplace mandated by the Act within three months

(m) Directing the State Government to ensure that besides the compliance to S 19(b) of the Act by the employee, every workplace must notify the constitution or reconstitution of the Internal Complaints Committee in their websites."

2. Mr. Ukkash A., petitioner appeared in person. The basic contention advanced in the writ petition is that unless and until a direction is issued by this Court, provisions of Sexual Harassment

at Workplace (Prevention, Prohibition and Redressal) Act, 2013 would not be effectively implemented in the State of Kerala. It is pointed out by the petitioner that there is absolute failure on the part of the State Government for ensuring functioning of the Local Complaints Committee in the State of Kerala, as provided under the Act 2013.

3. It is further contended that having not implemented the provisions of the Act, there is clear violation of Articles 14, 15, 19(1)(g) and 21 of the Constitution of India. Various contentions are raised by the petitioner alleging lethargy on the part of the State Government in appointing Local Complaints Committee and failure on the part of the Government to re-constitute the same on the expiry of the term of the committee.

4. It is also pointed out that even though the members are appointed in the Local Complaints Committee, they are not paid fees and therefore, it is prayed that a direction be issued to the respondents to implement the provisions of the Act 2013 effectively.

5. A detailed statement is filed by the respondents enumerating the steps taken to implement the provisions of the

Act 2013 and the rules framed thereunder namely, Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Rules, 2013. Taking into account the statement, this Court has passed an order on 7.2.2022, wherein, the learned Senior Government Pleader was directed to get instructions as regards the shortfall in the constitution of the Local Complaints Committee in Idukki District and re-constitution of the Committee, in the districts, specifically referred to, in the writ petition.

6. As regards non-payment of fees to the members of the Local Complaints Committee, a direction was issued that the members holding the proceedings of the committee have to be paid their fees.

7. For the sake of brevity, observations and directions contained in the said order is extracted hereunder:

3. However, inviting attention of this Court to the details of the Local Complaint Committees (LCC) constituted under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Mr.Ukkash.A., party-in-person submitted that the constitution of the Local Complaints Committee in Idukki

District is not in terms of section 7 of the said Act; tenure of the Local Complaints Committee in Thrissur, Malappuram, Kannur, Kasaragod is already over and that, there is no re-constitution.

4. Party-in-person also submitted that the constitution of the Local Complaints Committees have to be notified and that, there is no publication of notification in the District Collector's website.

5. Party-in-person further submitted that the Institution of Child Management in Government institutions does the inspection and submit reports and that Internal Complaint Committees have to submit report to the District Collector. According to him, the statement of facts filed by respondents 1, 2 and 4 respectively, does not reflect a proper data.

6. Inviting the attention of this Court to the payment of fees to the members of the Local Complaints Committee, Mr.Ukkash.A, party-in-person, further submitted that the members of the above said committee have not been paid the fees and it is evident from paragraph 6 of the statement of facts.

7. Party-in-person further submitted that inspection of the institutions has not been made periodically, as required.

8. *Per contra*, Mr.V.Manu, learned Senior Government Pleader, submitted that all efforts have been taken to file a consolidated

data. He further submitted that there is a short fall in collecting data and Government is proposing to set up a digital platform by the Department of Women & Child Development and that from March, 2021 to April, 2022, data has been collected from various establishments/offices/workplaces throughout Kerala.

9. According to him, so far, 10907 institutions have been visited, out of which, 7204 institutions were found to have constituted Internal Committees and 1711 institutions were given notices calling upon to constitute internal committees.

10. He further submitted that 368 complaints were received by various Internal Committees, throughout the State of Kerala, out of which 344 have been disposed of. In this context, he referred to the tabular columns provided in the statement of facts.

11. Heard Mr.Ukkash.A. - party-in-person and Mr.V.Manu - learned Senior Government Pleader.

12. The chart produced by respondents 1, 2 and 4, as regards the constitution of Local Complaints Committees prima facie indicates that the tenure of such committees, in respect of few districts stated *supra*, has already expired.

13. Section 7 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 reads thus:

“7. Composition, tenure and other terms and conditions of [Local Committee].—(1) The Local Committee shall consist of the following members to be nominated by the District Officer, namely: —

(a) a Chairperson to be nominated from amongst the eminent women in the field of social work and committed to the cause of women;

(b) one Member to be nominated from amongst the women working in block, taluka or tehsil or ward or municipality in the district;

(c) two Members, of whom at least one shall be a woman, to be nominated from amongst such non-governmental organisations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment, which may be prescribed:

Provided that at least one of the nominees should, preferably, have a background in law or legal knowledge:

Provided further that at least one of the nominees shall be a woman belonging to the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or minority community notified by the Central Government, from time to time;

(d) the concerned officer dealing with the social welfare or women and child development in the district, shall be a member *ex officio*.

(2) The Chairperson and every Member of the Local Committee shall hold office for such period, not exceeding three years, from the date of their appointment as may be specified by the District Officer.

Where the Chairperson or any Member of the [Local Committee]—

(a) contravenes the provisions of section 16; or

(b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

such Chairperson or Member, as the case may be, shall be removed from the Committee and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

(4) The Chairperson or Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.

14. Reading of section 7 indicates that there should be 5 members in the committee, out of which, the concerned officer dealing with the social welfare or women and child development in the district, shall be a member *ex officio*.

15. The statute provides as to how the complaints have to be registered, enquiry into the complaints to be taken, submission of reports to the District Collector etc.

16. Section 13 of the Act speaks about the inquiry report and submission of reports for action.

17. Section 8 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 deals with grants and audit, which reads thus:

“8. Grants and audit.-(1) (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in subsection (4) of section 7.

(2) The State Government may set up an agency and transfer the grants made under sub-section (1) to that agency.

(3) The agency shall pay to the District Officer, such sums as may be required for the payment of fees or allowances referred to in sub-section (4) of section 7.

(4) The accounts of the agency referred to in sub-section (2) shall be maintained and audited in such manner as may, in consultation with the Accountant General of the State, be prescribed and the person holding the custody of the accounts of the agency shall furnish, to the State Government, before such date, as may be prescribed, its audited copy of accounts together with auditors' report thereon”

18. Reading of section 8 of the Act indicates that the Central Government may, after due appropriation made by Parliament by law, in this behalf, make to the State Government grants of such sums of money as the Central Government may think fit, for being utilised for the payment of fees or allowances referred to in sub-section (4) of section 7. Sub-section (4) of section 7 reads thus:

“(4) The Chairperson or Members of the Local Committee other than the Members nominated under clauses (b) and (d) of sub-section (1) shall be entitled to such fees or allowances for holding the proceedings of the Local Committee as may be prescribed.”

10. Section 9 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 deals with the complaint of sexual harassment, which reads thus:

“9. Complaint of sexual harassment.—(1) Any aggrieved woman may make, in writing, a complaint of sexual harassment at workplace to the Internal Committee if so constituted, or the Local Committee, in case it is not so constituted, within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the Internal Committee or the Chairperson or any Member of the Local Committee, as the case may be, shall render all reasonable assistance to the woman for making the complaint in writing:

Provided further that the Internal Committee or, as the case may be, the Local Committee may, for the reasons to be recorded in writing, extend the time limit not exceeding three months , if it is satisfied that the circumstances were such which prevented the woman from filing a complaint within the said period.

(2) Where the aggrieved woman is unable to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or such other person as may be prescribed may make a complaint under this section."

19. In the light of the above provisions, learned Senior Government Pleader is directed to ascertain from the Central Government as regards the response to the proposal and the statutory provision, stated *supra* and for effective adjudication of the said issue, in exercise of the powers conferred under Article 226 of the Constitution of India, we deem it fit to implead the Secretary to the Government of India, Ministry of Women and Child Development, New Delhi, as additional respondent No.20.

20. As regards the payment of fees to the Members of Local Complaints Committee, a sum of Rs.46,850/- has to be paid, in total as fees to Chairperson of the Local Complaints Committee and Rs.75,870/- as fees in total to its members. According to Mr.V.Manu, learned Senior Government Pleader, a proposal in this regard has been sent to the Central Government on 28.1.2022, however, we do not find any document supporting the same.

21. It is stated by respondents 1, 2 and 4 respectively that Local Complaints Committees have been constituted since 2015 and several complaints have been received, enquiry conducted and certain cases were disposed of. It is evident from the tabular statement furnished in the statement filed on behalf of respondents 1, 2 and 4 that between 2016 to 2021, about 159 sittings have been conducted and 37 cases have been settled. The members of the Local Complaints Committees holding the proceedings of the Committees have to be paid fees.

22. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013 has been enacted to provide protection against sexual harassment of women at workplace and for the prevention and redressal of complaints of sexual harassment and for matters connected therewith or incidental thereto.

23. As already pointed out by the party-in-person, in order to effectively implement the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal Act, 2013, the Local Complaints Committees as well as Internal Complaints Committees have to be constituted in accordance with the provisions of the Act and the said committees have to be functional. The Government should take all steps for publication of pamphlets and other Information, education and Communication materials for creating awareness among the public in this regard and the reports have to be collected periodically so that there is a monitoring by the District Collector and Government, as the case may be.

24. Mr.V.Manu, learned Senior Government Pleader, is directed to get instructions as regards the shortfall in the constitution of the Local Complaints Committee in Idukki District and re-constitution of the committees in the districts stated *supra*. Mr.V.Manu, learned Senior Government Pleader, is further directed to file an additional statement before the 15th of February, 2022.

25. Party-in-person is permitted to file a reply. Party in person is directed to furnish the entire sets of papers to the learned Assistant Solicitor General for response.

26. Taking note of the quantum of fees and allowances to be paid to the members of the Local Complaints Committees for holding the proceedings of the Committees since 2016, we direct the second respondent [Secretary to the Government, Women and Child Development Department, Thiruvananthapuram] and the third respondent [Director, Social Justice Department], as the case may be, to make the outstanding payment of fees and allowances, stated *supra*, to the Chairpersons and members, as early as possible, at any rate before 28.2.2022.

27. However, we make it clear that, if any favourable orders are passed by the Central Government with respect to the proposal submitted by the State Government on 28.1.2022 regarding payment of fees to Members of Local Complaints Committee and if any grant is allowed by the Central Government in this regard, said amount be utilized and adjusted for the payment of fees and allowance to the members of the Local Complaints Committees for holding the proceedings of the Committees since 2016.

28. Payment as directed above be reported before this court on the next hearing date.

29. Learned Assistant Solicitor General, Government of India, is directed to get instructions on the statutory provisions as to whether the Parliament has made any law in this behalf and also the response, to the proposal stated to have been sent on 28.1.2022.

Post on 28th February, 2022."

8. In compliance with the directions issued by this Court, an additional statement is filed by the learned Senior Government Pleader explaining the steps taken, in each of the Districts referred to in the writ petition, to contend that effective steps are taken for appointing the members of the Local Complaints Committee. We think it only appropriate that additional statement filed by the respondent, for and on behalf of the respondents is extracted, to proceed further, which reads thus:

"As regards the shortfall in Local Complaints Committee,

Idukki

2. In paragraph 24 of the order dated 07.02.2022, this Hon'ble Court has sought for instructions with regard to the shortfall in the constitution of Local Complaints Committee (hereinafter referred to as "LCC"), Idukki District. It is most humbly submitted that along with the statement dated 03.02.2022, Annexure R1(g) details of LCCs constituted were provided. However, in Idukki District, only 4 persons were shown as members of LCC constituted therein. It is most humbly submitted that the name of Ex-Officio Member (District Child Development Officer, Idukki) was omitted to be noted therein. The same was only an inadvertent omission and was not willful. The inconvenience caused to this Hon'ble Court in this regard is regretted. Smt. Sophy Jacob, District Women and Child Development Officer, Idukki, is the ex-officio member of the LCC, Idukki. As such, there are 5 members in LCC, Idukki and, therefore, there is no shortfall in its constitution.

As regards the tenure of the Local Complaints Committee in Thrissur District

3. As per order No. DCTSR/2266/2018 dated 22.01.2022, the District Collector, Thrissur ordered reconstitution of LCC, Thrissur, whereby 5 members were appointed thereto. A true photocopy of the Order No. DCTSR/2266/2018 dated 22.01.2022 with true English translation is produced as Annexure R1(h).

As regards the tenure of the Local Complaints Committee in Malappuram District

4. As per order No. DCMPM/5400/2019-S1 dated 26.01.2022, the District Collector, Malappuram ordered reconstitution of LCC, Malappuram, whereby 5 members were appointed thereto. A true photocopy of the Order No. DCMPM/5400/2019-S1 dated 26.01.2022 with true English translation is produced herewith as Annexure R1(i).

5. It is most humbly submitted that Annexure R1(h) and R1(i) orders were issued on dates proximate to the date of finalization of the statement dated 03.02.2022. It was in the said circumstances that the said facts could not be included in the said statement.

As regards the tenure of the Local Complaints Committee in Kannur District

6. As per order No. DCKNR/13474/2017-A9 dated 11.02.2022, the District Collector, Kannur ordered reconstitution of LCC, Kannur, whereby 7 members were appointed thereto. A true photocopy of the Order No. DCKNR/13474/2017-A9 dated 11.02.2022 with true English translation is produced herewith as Annexure R1(j).

As regards the tenure of the Local Complaints Committee in Kasaragod District

7. As per Proceedings of the District Collector, Kasaragod dated 14.02.2022, ordered reconstitution of LCC, Kasaragod, whereby 6 members were appointed thereto. A true photocopy of the Proceedings of the District Collector, Kasaragod dated 14.02.2022 is produced herewith as Annexure R1(k).

As regards the payment of fees and allowances to Chairpersons and Non-Official Members of LCCs

8. As per Section 8 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (hereinafter referred to as "the POSH Act"), the payment of fees or allowances referred to in Section 7(4) therein has to be made by the State Government from the grants provided by the Central Government. As per the Kerala Sexual Harassment of Women at Work Places (Prevention, Prohibition and Redressal) Act Grant-in-aid Rules, 2019, also the same has to be disbursed from the grant of the Central Government. In the said

circumstances, the 4th respondent, as per letter No. WEC5/15654/2019 dated 28.01.2022, have addressed to the Deputy Secretary to the Government of India, Ministry of Women and Child Development, Government of India, in relation to proposal for grant in aid relating to the sitting fee to Chairpersons and Non-Official Members of LCCs in Kerala. A true photocopy of the letter No. WEC5/15654/2019 dated 28.01.2022 from the 4th respondent to the Deputy Secretary to the Government of India, Ministry of Women and Child Development, Government of India, is produced herewith as Annexure R1(l).

9. In compliance of the order dated 07.02.2022 of this Hon'ble Court in the captioned writ petition, the State Government has ordered disbursal of the amounts covered by Annexure R1(l) letter, subject to the same being reimbursed by the Central Government in terms of Section 8 of the POSH Act. The amounts have been ordered to be transferred to various District Offices before 24.02.2022, for disbursal to the beneficiaries.

As regards the averments in reply affidavit dated 14.02.2022 filed by the writ petitioner

10. The averments in paragraphs 2 and 3 of the reply affidavit dated 14.02.2022 with regard to the constitution of LCC, Malappuram have been dealt with by way of the averments in the additional statement in relation to the document produced as Annexure R1(i). The averments in paragraph 4 of the said reply affidavit in relation to LCCs at Thrissur and Kannur have been dealt with by way of averments in relation to the documents produced as Annexure R1(h) and R1(j) above.

11. As regards the averments in paragraphs 5, 6 and 7 of the reply affidavit dated 14.02.2022 in relation to LCC, Palakkad, it is submitted that LCC, Palakkad was reconstituted as per order dated 23.07.2020 of the District

Collector, Palakkad. Since the Chairperson who was thus appointed became an elected member of a Local Self Government Institution, Smt. T. Indira, Retired District Judge was appointed as Chairperson as per order dated 05.01.2021. Both these orders are reflected in Annexure R1 (g) tabular column.

12. As regards the averments in paragraph 6 of the reply affidavit dated 14.02.2022 in relation to LCC, Pathanamthitta, it is submitted that LCC, Pathanamthitta was reconstituted on 26.01.2022 as per Order No. B2-32121/16. The further averments in paragraph 6 and those in paragraph 7 of the reply affidavit dated 14.02.2022 in relation to LCCs of Thrissur, Malappuram, Kannur and Kasaragod Districts have been dealt with by way of averments in relation to documents produced as Annexure R1(h) to R1(k).

13. As regards the averments in paragraph 8 of the reply affidavit dated 14.02.2022, it is submitted that along with the statement dated 03.02.2022, Annexure R1(g) details of LCCs constituted were provided; that, however, in Idukki District, only 4 persons were shown as members of LCC constituted therein; that the name of Ex-Officio Member (District Child Development Officer, Idukki) was omitted to be noted therein; and that Smt. Sophy Jacob, District

Women and Child Development Officer, Idukki, is the Ex-Officio Member of the LCC, Idukki. As such, there are 5 members in LCC Idukki and, therefore, there is no shortfall in its constitution.

14. As regards the averments in paragraphs 9, 10 and 11 of the reply affidavit dated 14.02.2022, it is submitted that Advocate Aparna C. Menon and Advocate P.S Pradeep of Alappuzha LCC, Advocate Annamma John of Kasaragod LCC, Smt. V.V. Shaila of Kottayam LCC, Smt. V.T. Safiya of Malappuram LCC, Advocate K. Vijaya of Palakkad LCC and Advocate Aswathi Das J. and Smt. Stella Thomas of Pathanamthitta LCC are

NGO representatives; that though in para 4 of the statement dated 03.02.2022, it was stated to the effect that there was no NGO representative in Idukki LCC, Sri. V.V. Shaji of Idukki LCC is a NGO representative; that there are as of now NGO representatives in all LCCs, except that of Kannur; and that the LCCs in all the 14 Districts of the State have Members from SC/ST/OBC, the details of which can be made available to this Hon'ble Court at the time of oral submissions.

15.As regards the averments in paragraph 12 of the reply affidavit dated 14.02.2022, it is most humbly submitted that the 4th respondent had issued letter No. WEC-5/2560/22 dated 24.02.2022 to all District Collectors requesting them to publish the details of Chairpersons and Members of LCCs with their contact numbers in the official websites of the District Collectors same day itself, if not already done. A true photocopy of the letter No. WEC-5/2560/22 dated 24.02.2022 issued by the 4th respondent to all District Collectors of the State is produced herewith as Annexure R1(m).

16. The averments in paragraph 13 of the reply affidavit in relation to payment of fees to Members of Internal Complaints Committees have been dealt with in paragraph 5 of the statement dated 03.02.2022. The petitioner has not pointed out any shortfall or complaint from any quarter in this regard. The averments in paragraph 14 of the reply affidavit in relation to payment of fees/allowances the Chairpersons and Non-Official Members of LCCs have been dealt with by way of averments in relation to the document produced as Annexure R1(l) above. It is reiterated that in compliance of the order dated 07.02.2022 of this Hon'ble Court in the captioned writ petition, the State Government has ordered disbursal of the amounts covered by Annexure R1(l) letter, subject to the same being reimbursed by the Central Government in terms of Section 8 of the POSH Act. The amounts have been ordered to be transferred to

various District Offices before 24.02.2022, for disbursal to the beneficiaries.

17.As regards the averments in paragraphs 15, 16, 17, 18 and 19 of the reply affidavit dated 14.02.2022, it is submitted that it was stated in paragraph 7 of the statement dated 03.02.2022 that there was shortfall in compliance of filing of such reports despite orders to this effect to all District Offices; and that steps were being taken by the Department of Women and Child Development to ensure setting up of a digital platform for such compliance. It is submitted that the first stage of the said digital platform for compilation of data regarding cases registered in LCCs and its disposal as well as for compilation of annual reports from Internal Complaints Committees (ICC(s)) is expected to be put in by 08.03.2022. The said digital platform is being developed with the aid of Centre for Development of Imaging Technology (C-Dit), Kerala.

18.As regards the averments in paragraph 20 of the reply affidavit dated 14.02.2022, it is most humbly submitted that of the 10,907 institutions inspected, 7,204 were found to have constituted ICCs and 1,711 institutions, which ought to have constituted ICCs, did not constitute the same. Notices were issued to the said 1,711 institutions. Out of the same, 1,082 institutions have constituted ICCs and the follow up is going on.

19.Averments in paragraphs 21 and 22 of the reply affidavit dated 14.02.2022, it is humbly submitted that same are only based on surmises and conjectures of the petitioner. As regards the averments in paragraph 23 of the reply affidavit dated 14.02.2022, it is most humbly submitted that the facts discernible from the averments in paragraphs 9 to 13 of the statement dated 03.02.2022 are otherwise.”

9. On the basis of the above averments, learned Special Government Pleader submitted that the issues raised by the writ petitioner, in the writ petition, no more survive.

10. We have heard Mr. Ukkash A., party-in-person and Mr. V. Manu, learned Senior Government Pleader and perused the pleadings and materials on record.

11. The statements extracted above would make it clear that the grievances highlighted by the petitioner have already been addressed by the State Government by constituting Local Complaints Committee, in terms of the provisions of the 2013 Act and the rules.

12. From the additional statement, it is clear that in compliance of the directions issued by this Court, fees are paid to the members of the Local Complaints Committee. It is also clear from the additional statement that even though there was disqualification to one of the members of Palakkad District Local Complaints Committee consequent to he being elected as a member of a local self Government Institution, it was re-constituted as per order dated 23.7.2021, which is produced as Annexure R1(g).

13. Even though the petitioner has advanced arguments that the fees are not paid to the members of the Local Complaints Committee, ever since it was constituted, in our considered opinion, if any member of the Committee, has any grievance to that effect, it is for the aggrieved person to approach the Government or this Court in appropriate proceedings. Anyhow, non-payment of fees to a member cannot be a concern for a public interest litigant, in this writ petition.

14. Assimilating the factual and legal situations, we are of the considered opinion that writ petition can be disposed of by recording the statement and the additional statement filed by the respondents and holding that the grievances highlighted by the petitioner in the writ petition are already addressed by the Government.

15. As the petitioner has a case that Local Complaints Committee is not constituted immediately on its expiry, we are of the view that since the Act 2013 is to be strictly enforced, respondents have to take steps to re-constitute the committee whenever its term expire. It is also directed that adequate steps

shall be taken to implement the provisions of 2013 Act and the Rules.

We also make it clear that sufficient publicity shall be made by the respondents with respect to the constitution of Local Complaints Committee in contemplation of the provisions of the 2013 Act and Rules. With the above findings, observations and directions, writ petition is disposed of.

Pending interlocutory applications, if any, shall stand closed.

Sd/-
S. Manikumar,
Chief Justice

Sd/-
Shaji P. Chaly,
Judge

APPENDIX OF WP(C) 28156/2021

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE RTI APPLICATION FILED TO ALL THE 14 DISTRICT COLLECTORATE OF THE STATE.
- EXHIBIT P2 TRUE COPY OF THE REPLY, DATED 22ND FEBRUARY 2021, FROM THE STAE PUBLIC INFORMATION OFFICER, ALAPPUZHA COLLECTORATE (FILE NO. DCALP/322/2021-N5)
- EXHIBIT P3 TRUE COPY OF THE REPLY, DATED 17TH MARCH 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, ALAPPUZHA(WCD/ALP-A3-455/21)
- EXHIBIT P4 TRUE COPY OF THE ORDER, DATED 22ND APRIL 2021, VIDE NO. WCD/ALP/A2-445/21 BY THE APPELLATE AUTHORITY, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, ALAPPUZHA
- EXHIBIT P5 TRUE COPY OF THE REPLY, DATED 30TH JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, ERNAKULAM(DWCD/EKM/A2-132/2021)
- EXHIBIT P6 TRUE COPY OF THE REPLY, DATED 15TH MARCH 2021, FROM THE APPELLATE AUTHORITY, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, ERNAKULAM(DWCD/EKM/A2-132/2021)
- EXHIBIT P7 TRUE COPY OF THE REPLY, DATED 28TH JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, IDUKKI(DCIDK/576/2021-E11)
- EXHIBIT P8 TRUE COPY OF THE REPLY, DATED 20TH MAY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, KANNUR (DCKNR/4361/2021/A9)
- EXHIBIT P9 TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE LOCAL COMPLAINTS COMMITTEE, KANNUR, TO THE DISTRICT COLLECTOR(2015- '16)
- EXHIBIT P10 TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE LOCAL COMPLAINTS COMMITTEE, KANNUR, TO THE DISTRICT COLLECTOR(2016-'17)
- EXHIBIT P11 TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE LOCAL COMPLAINTS COMMITTEE, KANNUR, TO THE DISTRICT COLLECTOR(2017-'18)

- EXHIBIT P12 TRUE COPY OF THE REPLY, 16TH JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, KASARGOD COLLECTORATE(DCKSGD/241/2021-G1)
- EXHIBIT P13 TRUE COPY OF THE REPLY, DATED 4TH MARCH 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, KASARGOD COLLECTORATE FOLLOWING THE FIRST APPEAL(DCKSGD/241/2021-G1)
- EXHIBIT P14 TRUE COPY OF THE REPLY, DATED 6TH JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, KOLLAM COLLECTORATE (DCKLM/135/2021-M9)
- EXHIBIT P15 TRUE COPY OF THE REPLY, DATED 30TH JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, KOTTAYAM COLLECTORATE (DCKTM/164/2021-M1)
- EXHIBIT P16 TRUE COPY OF THE REPLY, DATED 13TH APRIL 2021, DATED 1ST FEBRUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, KOZHIKODE COLLECTORATE(DCKKD/476/2021-S4)
- EXHIBIT P17 TRUE COPY OF THE REPLY FROM THE STATE PUBLIC INFORMATION OFFICER, MALAPPURAM COLLECTORATE (DCMPM/378826/2021/S1)
- EXHIBIT P18 TRUE COPY OF THE REPLY, DATED 22ND JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, PALAKKAD (DWCD0/PKD/99/2021)
- EXHIBIT P19 TRUE COPY OF THE REPLY, DATED 17TH JUNE 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, PALAKKAD, FOLLOWING THE FIRST APPEAL(DWCD0/PKD/759/2021)
- EXHIBIT P20 TRUE COPY OF THE REPLY, DATED 25TH MARCH 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, PALAKKAD COLLECTORATE, FOLLOWING THE FIRST APPEAL(DCPKD/113/2021-D1)
- EXHIBIT P21 TRUE COPY OF THE REPLY, DATED 29TH JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, PATHANAMTHITTA COLLECTORATE(B2-269111/2020)
- EXHIBIT P22 TRUE COPY OF THE REPLY, DATED 29TH MARCH 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, PATHANAMTHITTA COLLECTORATE, FOLLOWING THE FIRST APPEAL(B2/269111/2020)

- EXHIBIT P23 TRUE COPY OF THE ANNUAL REPORT SUBMITTED BY THE LOCAL COMPLAINTS COMMITTEE, PATHANAMTHITTA, TO THE DISTRICT COLLECTOR(2018)
- EXHIBIT P24 TRUE COPY OF THE REPLY, DATED 18TH JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, THIRUVANANTHAPURAM COLLECTORATE (DCTVM/265/2021)
- EXHIBIT P25 TRUE COPY OF THE REPLY, DATED 22ND APRIL 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, THIRUVANANTHAPURAM (DWCDO/TVPM/E/749/2021)
- EXHIBIT P26 TRUE COPY OF THE REPLY, DATED 30TH JUNE 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, THIRUVANANTHAPURAM, FOLLOWING THE FIRST APPEAL (DWCDO/TVPM/E/1041/2021)
- EXHIBIT P27 TRUE COPY OF THE REPLY, DATED 31ST JANUARY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, THRISSUR COLLECTORATE (DCTSR/1148/2021-C3)
- EXHIBIT P28 TRUE COPY OF THE ORDER, DATED 26TH MARCH 2021, VIDE NO. DCTSR/C3/1148/2021 BY THE APPELLATE AUTHORITY, THRISSUR COLLECTORATE
- EXHIBIT P29 TRUE COPY OF THE REPLY, DATED 21ST APRIL 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, DISTRICT WOMEN AND CHILD DEVELOPMENT OFFICE, THRISSUR (DWCDO/TSR/1267/2021)
- EXHIBIT P30 TRUE COPY OF THE REPLY, DATED 19TH APRIL 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, OFFICE OF THE ASSISTANT DEVELOPMENT COMMISSIONER (GENERAL), THRISSUR (DWWO-16/2021)
- EXHIBIT P31 TRUE COPY OF THE REPLY, DATED 22ND MARCH 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, WAYAND COLLECTORATE (DCWYD/2033/2021-M1)
- EXHIBIT P32 TRUE COPY OF THE REPLY, DATED 7TH MAY 2021, FROM THE STATE PUBLIC INFORMATION OFFICER, WAYAND COLLECTORATE, FOLLOWING THE FIRST APPEAL(DCWYD/2033/2021-M1)