

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR. JUSTICE S.MANU

Monday, the 4th day of November 2024 / 13th Karthika, 1946
WP(C) NO. 25285 OF 2016(S)

THE COURT ON ITS OWN MOTION: SUO-MOTU PROCEEDINGS INITIATED
ON THE COMMUNICATION RECEIVED FROM THE MEMBER SECRETARY,
KELSA REGARDING CONFLICT OF CUSTOMS OF TRIBAL MEMBERS OF
WAYANAD WITH THE PROVISIONS OF POCSO ACT.

RESPONDENTS:

1. THE STATE OF KERALA, REP. BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM.
2. THE STATE OF KERALA, REP. BY THE SECRETARY, SOCIAL JUSTICE
DEPARTMENT, THIRUVANANTHAPURAM.
3. THE STATE OF KERALA, REP. BY THE SECRETARY, SCHEDULED TRIBES
DEVELOPMENT DEPARTMENT, THIRUVANANTHAPURAM.
4. THE DISTRICT COLLECTOR, WAYANAD.

ADDL. R5 & R6 IMPEADED

5. THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF HOME AFFAIRS, NORTH BLOCK, CABINET SECRETARIAT,
RAISINA HILL, NEW DELHI- 110 001.
6. THE SECRETARY TO GOVERNMENT OF INDIA,
MINISTRY OF TRIBAL AFFAIRS, SHASTRI BHAVAN,
DR. RAJENDRA PRASAD ROAD, NEW DELHI -110 011.

ADDL. R5 & R6 ARE SUO MOTU IMPEADED AS PER ORDER
DATED 01/08/2016 IN WPC 25285/2016.

ADDL. R7 & R8 IMPEADED

7. UNION OF INDIA, REPRESENTED BY ITS SECRETARY,
MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
SHASTRI BHAVAN, NEW DELHI-110 001.

P.T.O

8. THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS,
REPRESENTED BY ITS MEMBER SECRETARY, 5TH FLOOR,
CHANDERLOK BUILDING, 35 JANPATH, NEW DELHI-110 001.
ADDL. R7 & R8 ARE SUO MOTU IMPEADED AS PER ORDER
DATED 19.01.2018 IN WP(C).

ADDL. R9 IMPEADED

9 KERALA STATE LEGAL SERVICES AUTHORITY (KELSA),
REPRESENTED BY ITS MEMBER SECRETARY.
ADDL. R9 IS SUO MOTU IMPEADED AS PER ORDER
DATED 23/06/2021 IN WPC.25285/2016.

ADDL. R10 IMPEADED

10 KERALA FEDERATION OF WOMEN LAWYERS, REPRESENTED BY SECRETARY,
ADVOCATE GISA SUSAN THOMAS, AGED 49, W/O.BIJU JACOB,
G.S.ASSOCIATES, GROUND FLOOR, EMPIRE BUILDING,
NEAR HIGH COURT, ERNAKULAM, 682018

ADDL. R10 IS IMPEADED AS PER ORDER DATED 27/07/2023 IN IA 1/23 IN WPC 25285/2016.

This Suo Motu petition again coming on for orders upon perusing the petition, this Court's order dated 10/06/2024 and upon hearing the arguments of DIRECTOR GENERAL OF PROSECUTION & SRI.P. NARAYANAN, ADDITIONAL PUBLIC PROSECUTOR for the R1 to R4, DEPUTY SOLICITOR GENERAL OF INDIA for Addl.R5 to Addl.R8, SRI.SANTHOSH MATHEW, STANDING COUNSEL for Addl. R9, M/s.SHAMEENA SALAHUDHEEN and INDU SUSAN JACOB, Advocates for Addl.R10 and of SRI.P.VIJAYABHANU, SENIOR ADVOCATE, AMICUS CURIAE, the court passed the following:

P.T.O.

NITIN JAMDAR, C. J. & S. MANU, J.

W. P. (C) No. 25285 of 2016

Dated this the 4th day of November, 2024

ORDER

Nitin Jamdar, C. J.

Heard Mr. Santosh Mathew, learned Senior Advocate appearing for the Kerala State Legal Services Authority and Mr. P. Vijayabhanu, learned Senior Advocate appointed as Amicus Curiae in the writ petition.

2. This *suo motu* Public Interest Litigation (PIL) has been registered and various orders have been passed therein from the year 2016 onwards. The PIL was registered on a report which was submitted to the Member Secretary of the Kerala State Legal Services Authority, Ernakulam, by the Chairman, District Legal Services Authority, Wayanad, which in turn was forwarded to the Registrar General of this Court. The report submitted by the District Legal Services Authority has raised an issue as regards the practice of child marriage prevalent in the members of the community such as Paniyas, Mullukurumas, Adiyars, Kurichyas, Ooralis, Kattunaikkans, Kanduvadiyar, Thachanadar and Kanaladi in the Wayanad District.

3. As seen from the orders passed in this Public Interest Litigation

and the arguments advanced by the learned Senior Advocate appearing for the Kerala State Legal Services Authority, the issue is multifaceted and may require amendments to various legislations which may fall outside the purview of this PIL.

4. The learned counsel for the parties suggested that what can be however stressed upon is making the members of these communities aware of the negative aspects of child marriage and dissuading them from the same by conducting various educational programs.

5. The District Legal Services Authority, Wayanad, will accordingly work out a long-term plan of action with respect to sensitization of the members of the communities by involving paralegal volunteers, public-spirited individuals and non-governmental organizations. The District Legal Services Authority will also invite suggestions from the officers of the concerned Government Departments and the Panchayats to formulate a plan of action for sensitization. For that purpose, the Chairman of the District Legal Services Authority, Wayanad, will call for a joint meeting with the officers of the Government and the Panchayats and thereafter work out a plan of action. All the Government Authorities, when called for by the Chairman of the District Legal Services Authority, will co-operate. The Court may also consider setting up a Committee under the Chairmanship of the District Legal Services Authority with the *ex officio* members of the State and the members of the non-governmental organizations for

putting in place a long term measure to address the issue.

6. Post on 6 January 2025.

Sd/-
NITIN JAMDAR
CHIEF JUSTICE

Sd/-
S. MANU
JUDGE

Eb

