



W.P.No.25034 of 2024

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THE HON'BLE ACTING CHIEF JUSTICE  
AND  
P.B.BALAJI,J.

(Order of the court was made by  
the Hon'ble Acting Chief Justice)

A recent incident of sexual assault on 13 minor girls during a bogus NCC Camp organized by one Siva @ Sivaraman, with the consent of the Principal of Kingsley Garden Matriculation Higher Secondary School at Kandhikuppam Village, Bargur Taluk, Krishnagiri District, has sent shock waves through the society.

2. The National Human Rights Commission took *suo motu* cognizance of the said incident and directed the State authorities to reach out to the students who attended similar camps organized by the same person in four other schools of the district and find out if anyone was subjected to abuse or ill-treatment. The proceedings before the National Human Rights Commission are pending.

3. On the basis of the press release issued by the National



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Human Rights Commission on 21.8.2024, Mr.A.P.Suryaprakasam, the petitioner, appearing in person, has filed this writ petition, styled as a public interest litigation, seeking issuance of a writ of mandamus commanding the respondents to transfer the investigation pertaining to the alleged sexual abuse of school children in the bogus NCC Camp from the subordinates of the fourth respondent to the second respondent for proper investigation and to infuse confidence in the mind of the common-man and parents of the school-going children that their children are well protected in the society.

4. The main plank of the argument advanced by the petitioner, appearing in person, is that the main accused, who had sexually abused the minor children, is reported to have died on 23.8.2024, while in police custody, under mysterious circumstances. The petitioner alleges that the State authorities are attempting to close investigation by shifting the entire blame on the deceased Sivaraman. He added that the father of the accused also died under suspicious circumstances and, therefore, there is more to it than



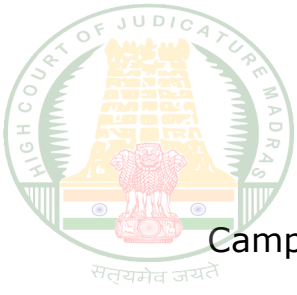
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meets the eye. The petitioner submits that all the persons involved in the crime should be brought to book and get their comeuppance and a thorough enquiry should be conducted with regard to the instances of sexual abuse, if any, committed in all the camps organized by the accused. The petitioner, therefore, seeks transfer of investigation to the Central Bureau of Investigation.

5. When the matter was taken up today, Mr.P.S.Raman, learned Advocate General, had placed on record a status report of the Superintendent of Police, Krishnagiri District.

6.1. The asseverations contained in the status report reveal that the alleged incident took place at the Kingsley Garden Matriculation Higher Secondary School at Kandhikuppam Village, Bargur Taluk, Krishnagiri District, which is a co-education school, with a student strength of 623, of which 290 are girls.

6.2. It further states that the accused Sivaraman made a request to the Correspondent of the School [Samson], to hold a NCC



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Camp in the campus of the aforesaid school for the school students.

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The Principal of the school had sent consent SMS regarding the proposed NCC camp to all the parents and the parents, who consented, were required to pay Rs.1500/- for each student. The camp was to be held for five days from 5.8.2024 to 9.8.2024. The school did not nominate any teacher to attend the camp along with the students. The accused Sivaraman did not permit the students to have any contact with the parents or outsiders during the said days. There were five persons as NCC Trainers – Ms.Sindhu; Ms.Satya; Mr.Sakthivel, Mr.Sudhakar, Mr.Subramani. While Sathya and Sindhu stayed with the girls; Sudhakar and Sivaraman stayed with the boys.

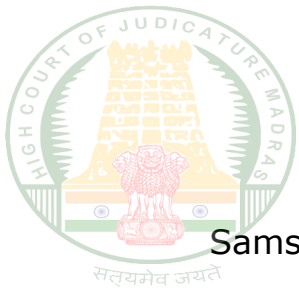
6.3. On 16.8.2024 at 11 pm, as the victim was having severe pain at her genital part, she informed her mother about the entire incident. It is stated that, on 17.8.2024 at 1700 hours, the Special Sub Inspector of Police at AWPS, Bargur, received an intimation from the Government Medical College Hospital and reached the hospital and obtained information from a minor girl aged 12 years,



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studying in 8<sup>th</sup> standard in the said school. The victim stated that, on 9.8.2024 at around 3 am, the accused Sivaraman committed penetrative sexual assault on her. The victim informed about the said incident to Sathya (NCC Trainer) and the Principal, but the Principal had insisted not to disclose it to anyone. Immediately, a complaint was registered in Crime No.14/2024 under Sections 5(o) read with 6, 9(o) read with 10, 21(2) of Prevention of Children from Sexual Offences Act, 2012 and Section 238 of the BNS against two accused, namely Siva (A1) and Sathishkumar (A2).

6.4. It is averred that the Special Sub Inspector conducted investigation, enquired the victim and various other persons and collected requisite documents. On receiving information that the accused Sathish Kumar and Samson Wesley are there in the school premises, the Investigating Officer went there and arrested them in the presence of witnesses and they gave their confession statements. On 18.8.2024, the Investigating Officer received written complaint from ten minor victim girls who were sexually assaulted in the NCC camp. Based on the statements of Sathish Kumar and



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Samson Wesley, another teacher Margret Jennifer, who also decided not to disclose the incident to other persons and parents, was arrested.

6.5. It is asserted that, considering the seriousness of the issue, the Deputy Superintendent of Police, Bargur Sub Division, on 18.8.2024, appointed Mrs.Valarmathi, Circle Inspector of Police, Bargur, as additional Investigation Officer. Thereafter, some more accused were apprehended and they confessed about the camps conducted by them in other schools and they stated that they were cognizant of the sexual assault committed by the accused Siva on the victim girls.

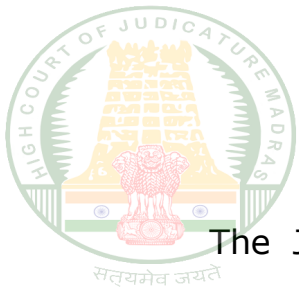
6.6. It is also stated that, considering the serious incidents of sexual harassment and sexual assault, the government ordered the formation of a Special Investigation Team (SIT) under the leadership of Mrs.K.Bhavaneeswari, IPS, Inspector General of Police. A Multi-Disciplinary Team (MDT), headed by a Senior IAS Officer, was also constituted to ascertain the details of circumstances



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leading the unfortunate incident and to ensure support to victims and to prevent recurrence of such incidents.

6.7. It is further stated that, on receiving information that the accused Siva is hiding near Ponmalai Venkateshaperumal Temple, on 19.8.2024 at 0042 hours, the Inspector of Police along with the posse tried to apprehend him. The accused tried to escape, but fell down and sustained injury on his right leg. He was taken to Government Medical College Hospital, Krishnagiri, and admitted for treatment. His right leg was fractured. The accused informed the Government Doctor that he had consumed rat poison twice before the arrest. He had hidden the rat poison tube in his inner wear. The learned Fast Track Mahila Judge, Krishnagiri, came to the hospital and remanded the accused till 2.9.2024. On 21.8.2024, due to deterioration of health, he was shifted to Government Mohan Kumaramangalam Medical College Hospital at Salem. On 23.8.2024 at around 0505 hours, the accused Sivaraman died failing to respond to the medical treatment. The Prison authorities, on knowing about the death, registered a case in Crime No.272/2024.



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The Judicial Magistrate No.3 has been nominated for conducting judicial inquiry in this regard.

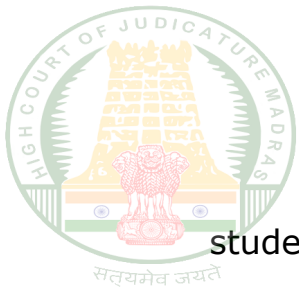
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6.8. It is further stated that the father of the accused Sivaraman died on 22.8.2024 after falling from his vehicle, TVS XL 100 Heavy Duty, due to dizziness and that there are no suspicious circumstances, as stated by the petitioner, with regard to the death of the father of the accused.

7. Learned Advocate General submitted that the reports of the Special Investigation Team and the Multi-Disciplinary Team are still awaited. The post-mortem reports pertaining to the accused and his father are also awaited.

8. Learned Advocate General further submitted the Principal of the School and representative of the Management have already been arrested by the Police. It is also found that without obtaining any permission from the School authorities, the fake NCC camp was organised in the school, that too, by collecting Rs.1,500/- from each





student.

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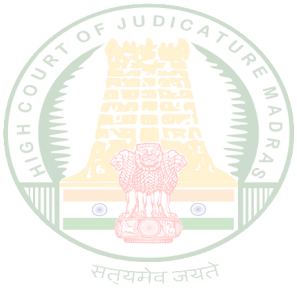


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9. Although it was submitted by the learned Advocate General that the school has re-opened yesterday, we are not informed as to whether any meeting has been convened by the District Educational Officer, Private Schools, with the students and the parents with regard to the continuation of the students in the said school, as serious allegations are levelled against the management and teachers who are involved in the aforesaid occurrence. That apart, the action taken against the school management is also not stated.

10. Learned Advocate General submitted that the Director of School Education, Private Schools, Krishnagiri, had already issued a show cause notice on 17.8.2024 to the school seeking their explanation on the following charges:

“(1) ஒரு பள்ளியில் NCC Camp நடத்தவேண்டுமென்றால் முதலில் முதன்மைக் கல்வி அலுவலர் ஒப்புதலுடன் இந்திய இராணுவத்தின் கட்டுப்பாட்டின் கீழ் செயல்பட்டுவரும் சேலம் Unit அலுவலகத்தில் அனுமதிபெற்று முறையாக அப்பள்ளியிலேயே பணியாற்றும் ஆசிரியர் ஒருவருக்கு பயிற்சி அளிக்கப்பெற்றப்பின் மாணவர்களை கோண்டு NCC Troop ஆரம்பிக்கப்படவேண்டும்.



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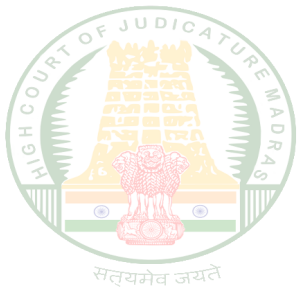
(2) பள்ளி நிர்வாகமானது தேசிய மாணவர் படை பயற்சி குழுவினரை பள்ளியில் முகாம் நடத்த அனுமதிக்கும் முன்னர் குழுவினரின் விவரங்களை தேசிய மாணவ படை பயற்சி தலைமையகத்திற்கு தகவல் தெரிவிக்காதது அல்லது தேசிய மாணவர் படை உயர் அலுவலர்களின் ஆணை எதனையும் முன்னிலைப்படுத்தாத நபர்களை பள்ளி வளாகத்தில் அனுமதித்தது. அவ்வாறு வந்த நபர்களைக்கொண்டு நடத்தப்பட்ட பயிற்சியில் அப்பள்ளியில் ஆசிரியர்களை உட்படுத்தி மாணவ/மாணவியர்களுக்கு பாதுகாப்பு அளிக்காதது.

(3) மேற்கண்ட பாலியல் துன்புறுத்தல் சார்பாக பள்ளி ஆசிரியைகள் மார்கிரேட் ஜெனிபர் மற்றும் கோமதி என்பவர்களிடமும் பள்ளி முதல்வர் திரு.சதிஜ்குமார் என்பவரிடமும் மாணவ மாணவிகள் முறையிட்டபோதும் அதனை ஊதாசீனப்படுத்திவிட்டு எவ்வித மேல்நடவடிக்கை எடுக்க காவல் துறைக்கோ அல்லது கல்வித்துறை உயர் அலுவலர்களுக்கோ தகவல் தெரிவிக்காதது.

(4) 1994 முதல் ஒரு தனியார் பள்ளியினை நடத்திவரும் தாளாளர் திரு. தாமஸ் வில்லியம், பள்ளியின் முதல்வர் திரு.சதிஜ்குமார் ஆகிய இருவரும் கிருஷ்ணகிரி மாவட்ட முதன்மைக் கல்வி அலுவலர் அவர்களிடமோ தனியார் பள்ளிகள் மாவட்டக் கல்வி அலுவலரிடமோ பள்ளியில் முகாம் நடத்த அனுமதி பெறாமல் யாரோ ஒரு நபர் போலியாக புகைப்படம் காட்டியதை வைத்து பள்ளியின் முதல்வரே தாளாளரே பள்ளியில் முகாம் நடத்த அனுமதி வழங்கியுள்ளது.

(5) கல்வி நிறுவனத்திற்கு நம்பிக்கையுடன் பெற்றோர்களால் அனுப்பப்படும் மாணவ மாணவியர்களின் பாதுகாப்பை கருத்தில்கொள்ளாமல் முழுவதும் போலியாக முகாம் நடத்திய நபர்களின் கட்டுப்பாட்டில் மாணவ மாணவிகள் இருக்க அனுமதிக்கப்பட்டுள்ளது.

மேற்கண்ட குற்றச்சாட்டுக்களுக்கு ஏன் தங்கள் பள்ளி மற்றும் நிர்வாகத்தின் மீது கடும் நடவடிக்கை மேற்கொள்ள தனியார் பள்ளிகள் இயக்குநர் அவர்களுக்கு பரிந்துரைக்கக்கூடாது என்பதற்கான விளக்கத்தினை இக்காரணம் கேட்கும் குறிப்பாணை கிடைக்கப்பெற்ற உடன் எழுத்து மூலமாக மூன்று நகல்களில் மாவட்டக் கல்வி



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அலுவலர் (தனியார் பள்ளிகள்) கிருஷ்ணகிரி அவர்களிடம் சமர்ப்பிக்க சார்ந்த பள்ளி தாளாளர் மற்றும் பள்ளி முதல்வருக்கு தெரிவிக்கப்படுகிறது.”

11. Learned Advocate General submits that the time granted to the school to submit their explanation expires tomorrow and the action taken by the department will be placed before this court in the form of a report.

12. Schools are meant to be temples of learning, where children are supposed to feel safe, protected and nurtured. It is in schools that children spend the majority of their time during their formative years. The school management should have obtained the requisite permission to hold such camp from the Director of School Education, Private Schools. The school ought to have conducted a thorough background check on any individual or organisation they engaged for holding the camp. On account of the abject failure on the part of the management to be cautious, an untrustworthy person gained access to the school campus, and this has undermined the trust and credibility of the school as a safe environment for learning. In other words, the school had exposed



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the vulnerable children to a dangerous situation, which would have long-lasting repercussions on their physical, emotional and psychological development. The fact that such heinous act occurred within this supposedly sacred space is truly disheartening and unacceptable. It is only by taking decisive action and fostering a culture of zero-tolerance towards such atrocities that we can restore the trust and confidence of the public at large.

13. As of now, the reports of the Special Investigation Team and Multi-Disciplinary Team, besides the post-mortem reports of the accused and his father, are still awaited. That apart, the explanation of the school in response to the show cause notice issued by the District Educational Officer, Private Schools, Krishnagiri, is also still awaited.

14. While it is the case of the State authorities that the death of the accused occurred due to consumption of rat poison, the said fact is seriously disputed by the petitioner, appearing in person, claiming that the State authorities are determined to close the case



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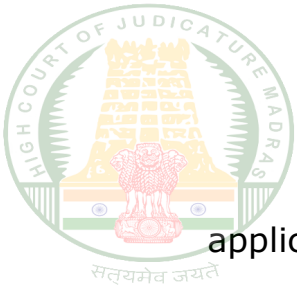
recording the death of the accused. He also added that the death occurred while the accused was in custody and the said aspect has not been properly explained in the report.

15. The death of the accused occurred while he was in custody and his father allegedly died due to low sugar and dizziness. The said facts raise serious suspicion. No proper explanation has been given in the report filed. Learned Advocate General seeks time to file a detailed report before this court on the next date of hearing.

16. We hope that the reports to be filed by the Special Investigation Team and the Multi-Disciplinary Team would throw light on the entire issue.

17. At this juncture, the petitioner, appearing in person, submitted that the victims should be paid compensation, as till date, the victims have not been paid any compensation.

18. In response, learned Advocate General submitted that



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applications are filed by the victims or their parents under the POCSSO Act for payment of compensation before the Fast Track Mahila Court, Krishnagiri.

19. If such applications are filed seeking compensation for the victims, the Presiding Officer of the Fast Tract Mahila Court, Krishnagiri, is directed to pass appropriate orders, as expeditiously as possible, by following the procedure contemplated under law.

20. The petitioner, appearing in person, sought a direction to the respondent authorities to pay ex-gratia compensation to the victims of the crime.

21. Learned Advocate General undertakes to pay the ex-gratia compensation and file a detailed report.

22. We further direct the Chairman, District Legal Services Authority, Krishnagiri, to inspect the school premises and interact with the parents and the students, and individually interact with the



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victims, and file a detailed report with regard to the further course of action to be taken in the interest of the students. The said report shall be filed on or before 4.9.2024.

23. The learned Advocate General is directed to file the investigation report of the Special Investigation Team and Multi-Disciplinary Team on or before 4.9.2024. The report of the District Educational Officer, Private Schools, Krishnagiri, shall also be filed by then. The respondent authorities shall take steps to furnish the post-mortem reports of the deceased accused and his father, if they are ready.

24. In order to get a clear picture as to the further course of action to be taken and the investigation so far conducted, we issue the following directions:

- (i) The Advocate General shall file a detailed report qua the mysterious circumstances that lead to the death of the accused Sivaraman, while in custody, and the death of the father of the



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accused due to low sugar and consequential dizziness;

(ii)The Advocate General shall also place on record the reports of the Special Investigation Team and Multi-Disciplinary Team;

(iii)The Advocate General shall also place on record the report of the District Educational Officer, Private Schools, Krishnagiri, qua the action taken against the school;

(iv)The Advocate General shall also submit the report regarding the payment of ex gratia compensation to the victims;

(v)The applications filed by the victims or their parents seeking compensation shall be disposed of by the Fast Track Mahila Court, Krishnagiri, at the earliest, by following the procedure contemplated under law;

(vi)The Chairman, District Legal Services Authority, Krishnagiri, shall inspect the school premises and





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interact with the parents and the students, and further interact with the victims individually, and file a detailed report with regard to the further course of action to be taken in the interest of the students.

The aforesaid reports shall be filed on or before 4.9.2024. List the matter on 5.9.2024.

(D.K.K., A.C.J.)

(P.B.B., J.)  
28.08.2024

Note to Registry:

**The Registrar (Judicial) is directed to forthwith communicate a copy of this order to:**

- (i) The Chairman, District Legal Services Authority, Krishnagiri.**
- (ii) The Presiding Officer, Fast Track Mahila Court, Krishnagiri.**

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THE HON'BLE ACTING CHIEF JUSTICE  
AND  
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(sasi)

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