

**വ്യാവസായിക പരിശീലന വകുപ്പ്  
(കേരള സംസ്ഥാനം)**

വിസി/31259/2013


തൈക്കാട് തിരുവനന്തപുരം-14,  
തീയതി:24/10/2013

**സർക്കുലർ**

വിഷയം:- വ്യാവസായിക പരിശീലന വകുപ്പ് - ജീവനക്കാര്യം -  
ബഹു.കേരള ഹൈക്കോടതിയുടെ (ആർ.എ-1951/09,2196/09  
കേസുകളിലെ വിധി നടപ്പാക്കുന്നത് -സംബന്ധിച്ച്.

സൂചന:-08.10.13 ലെ 22643/സി4/13/എൽ.ബി.ആർ.കത്ത്.

ബഹു.കേരള ഹൈക്കോടതിയുടെ (ആർ.എ-1951/09,2196/09 നമ്പർ കേസുകളിലെ വിധിയുടെ പ്രസക്ത ഭാഗങ്ങൾ നിർദ്ദേശങ്ങൾ പാലിക്കുന്നതിനായി അയച്ചുതന്നിട്ടുണ്ട്. ആയതിനാൽ ടി. വിധിയുടെ പകർപ്പ് നിർദ്ദേശങ്ങൾ പാലിക്കുന്നതിനായി ഉള്ളടക്കം ചെയ്യുന്നു. താങ്കളുടെ സ്ഥാപനത്തിൽ ടി.നിർദ്ദേശങ്ങൾ പാലിച്ച് അടിയന്തിരമായി വിവരം അറിയിക്കേണ്ടതാണ്.

  
അഡീഷണൽ ഡയറക്ടർ

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- 1.എല്ലാസബ്ആഫീസുകൾക്കും
- 2.എ.ഡി.റ്റി/ജെ.ഡി.റ്റി/ഡി.ഡി (ട്രെയിനിംഗ്) ഡി.ഡി.(പ്ലാനിംഗ്) ഡി.എസ്.എ/എ.ഒ.1/എസ്.എസ് (എ)/സ്റ്റോക്ക്ഫയൽ (വി.സി)
- 3.സ്പെഷ്യൽ ആഫീസർ,എസ്.റ്റി.ഐ.കഴക്കൂട്ടം
- 4.ജോയിന്റ് ഡയറക്ടർ,റീജണൽ ഡയറക്ടറേറ്റ്
- 5.അഡീഷണൽ സ്റ്റേറ്റ് പ്രോജക്ട് ഡയറക്ടർ,എസ്.പി.ഐ.യു.

*Crl.As.1951 &2196/09*

-:19:-

the accused were staged in the premises of a residential school established by the State for the uplift of the students belonging to socially and educationally challenged sector. Unfortunately, it has become the platform of the gruesome incidents narrated by the prosecutrix. It is also shocking that this was not the solitary instance. Another inmate of the same school was subjected to the sexual lust of the accused. We notice that the institution, where these incidents happened, accommodates teen aged boys and girls. Though female caretakers were deployed, their presence was not ensured during night time. The books and other things intended for the use of the inmates were kept in the room of the accused thereby, compelling the inmates to gravitate towards the said room even during night time. This arrangement is not conducive to moral discipline and shall not be allowed to be continued.

[ Along with adequate measures for dealing firmly with crimes against women, children and members of the weaker, vulnerable and marginalised sections of the society, there is need for taking appropriate steps to eliminate the circumstances conducive to the perpetration of crimes in institutions and hostels run by Government or through Govt. aid for the

benefit of members of such sections. We, therefore, consider it appropriate to direct the Government to take the following steps to avoid such crimes in future:

- (i) In Care homes and Hostels where children or adults belonging to both sex are accommodated in a single institution or building, the portion set apart for females should be separated and made independent. Similarly the portion in which males are accommodated should also be separated. There shall be no opportunity for members of one portion to interact with the members of the other section;
- (ii) In institutions where large number of elders, adolescents and children of the same sex are accommodated, care should be taken to provide separate rooms for elders, adolescents and children;
- (iii) A Care Taker or Warden of the same sex as that of the inmates should be available 24 hours all through the year in such places of accommodation;
- (iv) Visitors or members of the opposite sex accommodated in the same institution or even administrators of the institution belonging to the opposite sex shall not be given liberty to enter into the area in which the inmates are accommodated;
- (v) Anyone wanting to meet the inmates, may be allowed to meet him or her in the visitors' room and that too in the presence of the Warden or Care Taker during the visiting hours, which shall

be specified by notification and no such meeting shall be permitted beyond the notified hours;

- (vi) Inmates shall be issued provision and other materials from a conspicuous open space during day time within the specified hours and the inmates should be persuaded to collect the materials in groups;
- (vii) Cultivation of personal relationship by personnel belonging to the Department/strangers with inmates of the opposite sex should be discouraged;
- (viii) Every chance for individual interaction with the members of the opposite sex should be avoided. If at all needed, it should be allowed in the common area or visitors' room;
- (ix) There shall be strict supervision of the running of such institution. Anyone who attempts to violate the guidelines should be firmly dealt with. The affairs of the institution shall be monitored by officers responsible. Any inspection including surprise inspection shall be conducted in the presence of the Care Taker or Warden;
- (x) The Government may also consider providing counselling facilities to the inmates. The Warden or Care Taker or other Office bearers responsible for the conduct of the institution may note the deviance or aberration in conduct or behaviour on the part of any of the inmates and such inmates should be provided counselling at the earliest; and

(xi) Similarly, if any defiant behavior or aberration is noted on the part of a member of the staff, it should be reported to the higher ups and immediate steps taken to avoid developing of any intimate and unwanted relationship. | *AS*

The Registry shall forward a copy of this judgment to the Chief Secretary, Government of Kerala with the approval of the Hon'ble the Chief Justice.

Sd/-  
T.R.RAMACHANDRAN NAIR  
JUDGE

Sd/-  
A.V.RAMAKRISHNA PILLAI  
JUDGE

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*[Signature]*  
P.A. TO JUDGE

TRUE COPY  
*[Signature]* Q-8  
12/3/13  
Section Officer