

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE  
&  
THE HONOURABLE MR. JUSTICE S.MANU  
Thursday, the 22<sup>nd</sup> day of August 2024 / 31st Sravana, 1946  
WP(C) NO. 29846 OF 2024(S)

**PETITIONER:**

NAVAS A. @ PAICHIRA NAVAS, AGED 43 YEARS, S/O. ASANARU PILLAI,  
NAVAS MANZIL, PAICHIRA, PALLIPPURAM P.O., THIRUVANANTHAPURAM,  
PIN - 695 316.

**RESPONDENTS:**

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, STATUE, THIRUVANANTHAPURAM, PIN - 695 001.
2. THE DIRECTOR GENERAL OF POLICE, STATE POLICE HEADQUARTERS, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695 010.

**ADDITIONAL R3 IS IMPLEADED**

3. KERALA STATE WOMEN'S COMMISSION, NEAR LOURDES CHURCH, P.M.G, PATTOM P.O., THIRUVANANTHAPURAM - 695 004.

ADDL.R3 IS SUO MOTU IMPLEADED VIDE ORDER DATED 22/082024 IN WP(C)

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 1st respondent to call for the records related to the Ext. P1 Report in the interest of justice.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. SEKHAR G. THAMPI, AKHIL SUSEENDRAN & ABHISHEK NAIR M.R., Advocates for the petitioner, GOVERNMENT PLEADER for R1 & R2 and of SMT.PARVATHI A. MENON, Standing Counsel for Addl.R3, the court passed the following:

P.T.O.

**A.MUHAMED MUSTAQUE, Acg.C.J. & S.MANU, J.**

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Dated this the 22<sup>nd</sup> day of August, 2024

**ORDER**

**A.MUHAMED MUSTAQUE, Acg.C.J.**

This Public Interest Litigation is filed seeking following reliefs:-

“(i) To call for the records of the Ext.P1 Report and pass a writ of mandamus commanding the 1<sup>st</sup> respondent to produce the Ext.P1 uncensored Justice Hema Committee report to the 2<sup>nd</sup> respondent and

(ii) To pass a writ of mandamus commanding the 2<sup>nd</sup> respondent to start criminal proceedings with regard to the sexual offences stated in the report.

(iii) Such other writ order or direction that this honourable court may deem fit to allow in the interests of justice.”

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2. The Government of Kerala has constituted a three member Committee, to study and report on various issues faced by women in cinema and suggest solutions on such issues.

3. The Committee was headed by a former Judge of this Court, Justice K.Hema and the other members of the Committee, namely, Smt.T. Sarada, Cine Artist, and Smt.K.B Valsalakumari, IAS (Retd).

4. The Committee filed a report before the Government. The Committee in the entire report maintained anonymity of the persons who deposed before the Committee, in order to maintain their privacy and to allow the women to speak without fear. The report indicates sexual harassment and sexual exploitation against women in cinema industry.

5. The case of the petitioner is that criminal proceedings should be initiated against those who have found committed criminal offences. There are many issues involved in this matter. As the parties want to maintain

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anonymity and they do not want to come forward to raise a complaint. The very purpose of constituting the Committee was noting that there are serious complaints pointing out that women are silenced by the men in the industry. If any cognizable offences are disclosed to the Committee, whether criminal action is necessary or not will have to be decided by this Court.

6. The Government as of now is not in a position to proceed further for the simple reason that none have come forward with a complaint but at the same time, the reports disclose otherwise of sexual harassment and sexual exploitation of the women. How to protect these victims of sexual exploitation and what action can be taken against the perpetrators of the crime, is something that this Court require to address.

7. Accordingly, we admit this Writ Petition and await Government's stand on this. We also suo motu implead the Kerala State Women's Commission, Near Lourdes Church, P.M.G, Pattom P.O Thiruvananthapuram-4, as an additional

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respondent in this matter. Smt.Parvathi A. Menon, learned Standing Counsel takes notice for the additional respondent. We also direct the Government to make available one copy of the entire report in a sealed cover before this Court.

Post on 10.09.2024.

**Sd/-  
A.MUHAMED MUSTAQUE,  
ACTING CHIEF JUSTICE**



**Sd/-  
S.MANU,  
JUDGE**

JJ

Exhibit P1

**APPENDIX OF WP(C) 29846/2024**  
**THE TRUE COPY OF THE RELEVANT PORTION OF JUSTICE HEMA**  
**COMMITTEE REPORT.**

