

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P(PIL) No. 2253 of 2024**

Padma Baraik ... .. Petitioner  
**Versus**  
The State of Jharkhand and others ... .. Respondents

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**CORAM: HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**  
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**For the Petitioner** : Mr. Sumeet Gadodia, Amicus  
**For the Respondents** : Mr. Gaurav Raj, A.C. to A.A.G. II  
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**06/Dated: 10.07.2024**

Heard Mr. Sumeet Gadodia, the learned *Amicus* for the petitioner and Mr. Gaurav Raj, learned A.C. to A.A.G.II for the respondent-State.

2. This application was initially filed in person seeking direction to save the life of rape victims. We considered the report produced before us with regard to this matter and the same is admitted. We call upon Mr. Sumeet Gadodia, who has been appointed by this Court as an *Amicus* and who in turn brings to notice of this Court the judgment of Apex court in *Delhi Domestic and Working Women's Forum Vs. Union Of India And Others, (1995) 1 SCC 14* wherein it laid down a guideline for settlement of rape victim. The salient features of the aforesaid judgment are herein quoted below:

*“(1)The complainants of sexual assault cases should be provided with legal representation. It is important to have someone who is well-acquainted with the criminal justice system. The role of the victim's advocate would not only be to explain to the victim the nature of the proceedings, to prepare her for the case and to assist her in the police station and in court but to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, mind counseling or medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station represent her till the end of the case.*

*(2)Legal assistance will have to be provided at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station, the guidance and support of a lawyer at this stage and whilst she was being questioned would be of great assistance to her.*

(3) *The police should be under a duty to inform the victim of her right to representation before any questions were asked of her and that the police report should state that the victim was so informed.*

(4) *A list of advocates willing to act in these cases should be kept at the police station for victims who did not have a particular lawyer in mind or whose own lawyer was unavailable.*

(5) *The advocate shall be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victims were questioned without undue delay, advocates would be authorised to act at the police station before leave of the court was sought or obtained.*

(6) *In all rape trials anonymity of the victim must be maintained, as far as necessary.*

(7) *It is necessary, having regard to the Directive Principles contained under Article 38(1) of the Constitution of India to set up Criminal Injuries Compensation Board. Rape victims frequently incur substantial financial loss. Some, for example, are too traumatised to continue in employment.*

(8) *Compensation for victims shall be awarded by the court on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place. The Board will take into account pain, suffering and shock as well as loss of earnings due to pregnancy and the expenses of child birth if this occurred as a result of the rape.”*

3. To implement the judgment of the Apex Court as mentioned above, the initiative is being taken by the State of Telangana and they have established *Bharosa Centers* to support the life of rape victims and as such Mr. Sumeet Gadodia, the learned *Amicus* for the petitioner has himself visited to that place and stated that the way the State of Telangana has taken care of the rape victims by establishing *Bharosa Centers* is absolutely in compliance to the order passed by the Apex Court and he has also produced the Jharkhand Police Crime Statement from month of January, 2024 to April 2024 from which it appears that the number of the rape victims have been increasing day by day and at the same time it affects the reputation of the State itself because of the involvement of hardcore naxalites in rape cases. It appears that the State of Jharkhand is apathetic towards settling these rape victims even though there is a direction of the Apex Court in *Delhi Domestic and Working Women’s Forum* (supra).

4. Therefore, this Court has called upon the State counsel to file an affidavit as to what measures have been taken to settle this rape

victim for time and again. The time was sought to file the detail counter affidavit so far as the steps taken in compliance of the order passed by the Apex Court but no effective step has been taken from the side of the State but today when this Court makes some query, learned counsel for the State brings notice of this Court that they have made a correspondence. Mere making a correspondence to the different places, the State cannot escape its responsibility to maintain the life of the rape victims and when Article 21 of the Constitution of India provides protection to the rape victims.

5. In view of such position, this Court directs the State counsel to file an affidavit indicating like *Bharosa Centers* in the State of Telangana to give protection to the rape victims, what step has been taken by the State of Jharkhand whether they are implementing the order passed by the Hon'ble Supreme Court as mentioned above or they are still delaying. In the meantime more than 29 years have passed, this show the callousness of the State to give protection to rape victims by establishing the appropriate mechanism for their survival.

5. The affidavit shall be filed within a period of two weeks from today and so far as the present petitioner is concerned even though on the last occasion this Court issued direction to file an affidavit in what way this petitioner is settled. But no affidavit is filed to indicate the same. In the next affidavit the same should also be indicated so that some steps can be taken in accordance with law.

6. Mr. Gaurav Raj, learned counsel appearing for the State submits that in view of the order passed on 16.05.2024 the two kids of the petitioner have already been admitted in the Government School but the petitioner contended that there is a threat to their life, therefore, they should be admitted in the private institution. Even though such endeavor is made from the side of the petitioner but on that aspects the respondent State is silent.

7. Mr. Gaurav Raj, learned counsel for the State being officer of the Court wants time to get the matter listed in the next week so that he appraises the Court whether the petitioner's children can be admitted in the private schools by the next date and it should be done

immediately without any hindrance because the academic year is going very fast.

8. Post this matter on 18.07.2024.

**(Dr. B.R. Sarangi, C.J.)**

**(Sujit Narayan Prasad, J.)**

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