

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No. 2253 of 2024

Padma Baraik

... .. Petitioner

Versus

The State of Jharkhand and Ors.

... Respondents

CORAM: HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Petitioner

: In-Person

Amicus Curiae

: Mr. Ritesh Kr. Gupta,

AC to Mr. Sumeet Gadodia, Advocate

09/Dated: 29th July, 2024

1. The instant matter was heard by the co-ordinate Bench wherein the following order was passed:

“In compliance of order dated 10.07.2024, Mr. Gaurav Raj, learned counsel for the State, files a letter of the District Education Officer, Ranchi, addressed to the Principle, Delhi Public School, Ranchi, and as such, no steps have been taken with regard to the admission of the child of the victim. Therefore, the observation made by this Court that whether the petitioner’s child can be admitted in a private school by next date and it should be done immediately without any hindrances and this attitude of the authority clearly indicates interference with the order passed by this Court by creating hindrances not to give admission to the child of the petitioner. At the same time, an affidavit has also been filed today in the Court sworn in by Ms. Sarojini Kumar Singh, working as Under Secretary, Department of women, Child Development & Social Security, Government of Jharkhand, wherein following statements have been made:-

“9. That it is stated and submitted that under the scheme, women victims of any form of violence are being provided one stop medical, legal and police assistance, psychological counseling and under shelter. The scheme is implemented in all the 21 districts of the State, out of which 21 districts have selfgovernment buildings.

15. That it is stated and submitted that women affected by violence or needy women along with their children (girls of all ages and boys up to 12 years) can avail temporary shelter at One Stop Centre for a maximum period of 5 days. The acceptance of any woman for temporary shelter will be at the discretion of the Centre Administrator. Long-term shelter needs will be arranged by One Stop Centre in coordination with Shakti Sadan.

16. That it is stated and submitted that one Stop Centre provides support for providing long term shelter to girls below 18 years

in coordination with the authorities/institutions established under the Juvenile Justice (Care and Protection of Children) Act, 2015 and Protection of Children from Sexual Offences Act, 2012 (POCSO) and Rules thereunder issued from time to time.

2) The Amicus Curiae disputes such statement and contends that till date till date no such scheme has been implemented in all 21 districts of the State.

3) Therefore, it appears that a false affidavit has been filed by the State Government to mislead the Court and, as such, the State authority has not come to the Court with clean hands.

4) In such a position, let a criminal proceeding be initiated against the person concerned who has filed this false affidavit and investigation should be continued and if she is found guilty of filing false affidavit, appropriate action in terms of the provisions contained in the Indian Penal Code be taken against her.

5) The victim appears in person and states that the security persons are not discharging their responsibilities, but the learned counsel for the State contends that they have deployed six security persons to take care of the victim, but the fact remains that if they have deployed six security persons and in spite of that if any untoward incident occurs, then in that case, the D.G.P. of the State will be held responsible for the same.

6) Put up this case on 22.08.2024.”

2. The matter was directed to be listed on 22.08.2024 but this Court taking into consideration the submission made by the party in-person, namely, Padma Baraik, regarding the water and power disconnection has notified the matter and thereafter, the matter has been taken up today at 02:15 p.m.
3. Party in-person has submitted that an affidavit is ready and it is being filed today making specific pleading along with sufficient documents/photographs regarding the power and water disconnection in her residential accommodation.
4. It has been submitted that the said affidavit will be filed in course of the day.
5. Let the same be filed by serving copy of the same upon the learned counsel for the respondent-State.

6. Let this matter be listed on 05.08.2024 under the heading for “Orders” so that in the meanwhile, the reply to the said affidavit be filed.

(Sujit Narayan Prasad, A.C.J.)

(Arun Kumar Rai, J.)

Saurabh/-