

(2021) 12 J&K CK 0057

In the Jammu And Kashmir High Court

Case No : Writ Petition (C) PIL No. 45, 238, 2552 Of 2019, 937, 1076, 1640 Of 2020, Others Writ Petition (OWP) No. 119, 132 Of 2019, Contempt Petition CCP(S) No. 207, 400 Of 2020

Aman Satya Kachroo Trust

APPELLANT

Vs

State Of J&K And Others

RESPONDENT

Date of Decision : 24-12-2021

Acts Referred:

Citation : (2021) 12 J&K CK 0057

Hon'ble Judges : Pankaj Mithal, CJ;Puneet Gupta, J

Bench : Division Bench

Advocate : Rajender Kachroo, Monika Kohli, Pooja Uppal, K.D.S.Kotwal, Sheikh Feroz Ahmed

Judgement

1. Aman Satya Kachroo Trust, through its founder trustee Prof. Rajender Kachroo, had initiated this petition in public interest for constituting a committee under the Chairmanship of the Chairperson of the State Legal Services Authority to provide direction and guidance to the Union Territory of Jammu and Kashmir in the matter of implementation of all women related schemes in Jammu and Kashmir, particularly 'Women Help Line' (WHL) and 'One Stop Centre' (OSC) and for a direction to the Ministry of Women and Child Development Department to ensure if the schemes of WHL and OSC are implemented in the Union Territory of Jammu and Kashmir as per the guidelines and the objectives.

2. In the wake of 2012 gang rape in Delhi commonly known as 'Nirbhaya's case,' a committee was constituted under the Chairmanship of Justice Verma.

3. The said committee recommended for certain schemes to provide women with (i) access to justice; (ii) access to Government services; and (iii) access to welfare schemes of both State and Central Government. The schemes were to be funded wholly by the Ministry of Women and Child Development (WMC) from the Nirbhaya fund.

4. The Apex Court in Civil Writ Petition No. 565 of 2013, 'Nipun Sexana v. Union of India' has required the States and the Union Territories to set up at least 'One Stop Centre ' (OSC) in every district before the end of 2019.
5. The anxiety of the petitioner is whether the schemes of 'WHL' and 'OSC' are being implemented as per the guidelines and whether the NGOs allowed to operate the schemes in some of the districts are well equipped to run the said schemes.
6. It is felt that a single dedicated '24x7' Help Line with support services for shelter, social welfare, counseling, mental health professionals and lawyers is the need of the day.
7. In the Union Territory of Jammu and Kashmir, seven 'One Stop Centers' in Districts of Jammu, Srinagar, Kathua, Doda, Rajouri, Anantnag and Kupwara are operational with 'Women Help Line' (WHL). Out of these seven 'One Stop Centers', the petitioner is managing two 'One Stop Centers', i.e. of Districts Jammu and Srinagar. For other Districts, four separate NGOs have been selected to operate them but they are not able to run the Centers for various factors, specially, of not having the requisite software etc.
8. Accordingly, these WHLs and OSCs in Jammu and Kashmir do not conform to the essential features of the scheme.
9. This apart, petitioner has initiated two other writ petitions. Four other writ petitions in this very context have been filed by the NGOs. Thus, in addition to this PIL, six other writ petitions both at Jammu and Srinagar Wing are pending with two contempt petitions.
10. In order to tackle the above problem, if at all, it requires to be considered and monitored, we are of the opinion to first proceed with the PIL and then separately with the other writ petitions.
11. Accordingly, let a notice of this petition be served upon each of the respondents.
12. Respondent Nos. 1 and 2 shall file response as to if they are satisfied with the implementation of the above schemes in the Union Territory of Jammu and Kashmir and if not, how the improvement has to be brought out so that the schemes are independently implemented and may not be rendered as defunct.
13. The Secretary, State Legal Services Authority, J&K would independently submit his input in connection with the above schemes. Once the response is filed by the respondents, the matter of appointment of a committee, if necessary, would be considered later-on.
14. List on 7th March 2022.
15. A copy of this order be placed on the record of the connected petitions.