



\$~60 & 61.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11382/2017 and C.M. Nos. 4873/2018, 23585/2019 & 19890/2022**

FOUNDATION FOR SOCIAL EMPOWERMENT Petitioner
Through: Ms. Himani Aggarwal, Advocate.
versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Anil Soni (CGSC) with
Mr. Devesh Dubey, Advocate for
respondent No.1/ UOI.
Mr. Santosh Kr. Tripathi, Standing
Counsel (Civil), with Mr. Aditya S.
Jadhav and Mr. Arun Panwar,
Advocates for respondent Nos. 2, 3 &
4/ GNCTD.
Mr. Anmol Kokane, Advocate for
respondent No. 6.
Mr. Vivek Kumar Goyal and
Mr. Bibhash Kumar, Advocates for
respondent No. 7 / NCW.
Mr. Anupam S. Sharma (SPP-CBI)
with Mr. Prakash Airan and
Ms. Harpreet Kalsi, Advocates.
Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Harshit
Joshi, Advocate along with Ms. Swati
Maliwal, Chairperson DCW and Mr.
Saurabh, DCW for respondent No. 8/
DCW.
Ms. Nandita Rao, Mr. Ajay Verma
and Ms. Swati Maliwal, Chairperson
DCW – members of the committee
appointed by this Court on
19.12.2017.



+ **W.P.(C) 2004/2020 and C.M. Nos. 7084/2020, 33768/2020 & 18841/2022**

DUMPALA MEENAVATHI AND ANR.

..... Petitioners

Through: Dr. Menaka Guruswamy, Sr. Advocate with Mr. Sravan Kumar, Mr. Yash S. Vijay, Mr. Utkarsh Pratap and Ms. Medha Singh, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms. Monika Arora & Mr. Yogesh Panwar, Advocates for respondent/ UOI.

Mr. Vimal Raj and Ms. Astha Gupta, Advocates for respondent No.2.

Mr. Anmol Kokane, Advocate for respondent No. 4.

Mr. Rajesh Kumar, SPP with Ms.Mishika Pandita, Advocate for respondent/ CBI.

Mr. Ajjay Aroraa, Standing Counsel, Mr. Kapil Dutta and Mr. Anuj Bhargava, Advocates.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

26.04.2022

%

1. We have heard learned counsels at some length. The present order is being passed in continuation of our earlier orders dated 19.04.2022 and 21.04.2022.
2. At the outset, we direct the GNCTD to strictly enforce the provisions



of the Women's and Children's Institutions (Licensing) Act, 1956. We have already observed and held in our order dated 21.04.2022 that institution like respondent No. 6 i.e. Adhyatmik Vishwa Vidhyalya, is an Institution which is covered within the scope of the said Act. Therefore, GNCTD shall ensure compliance of the provisions of the said Act and the Rules framed there under, namely, the Delhi Women and Children's Institutions (Licensing) Rules, 1960, in letter and spirit.

3. Respondent No. 8 i.e. Delhi Commission for Women (DCW) has filed a C.M. No. 19890/2022, placing its suggestion before us. The suggestions of the Commission are with regard to formation of a Committee by the Court to look into the affairs of institutions like respondent No. 6, so as to ensure that the women and children residing in such like Institutions do not suffer any violation of their fundamental and legal rights, and there is proper vigilance and scrutiny to ensure the welfare of such vulnerable classes.

4. Ms. Maliwal – who is present today in Court, states that some suggestions have already been forwarded to the Central Government. We direct both the GNCTD and the Union of India to examine the said suggestions and take such actions thereon – as may be deemed appropriate.

5. Having heard learned counsels and perused the previous orders passed in these proceedings from 2017 onwards, and also examined the developments which have taken place in the matter since 2017, and in the light of our earlier orders which we have referred to, we are of the view that a Committee should be constituted so as to keep a close watch on the welfare of the inmates of the respondent No.6 Institution, who are all stated to be women above the age of 18 years, so as to enforce that their



fundamental and legal rights are adequately protected.

6. Having examined the suggestions made by the DCW, we constitute a Committee for the aforesaid purpose. The committee shall consist of following members:

- (i) The Principal District and Sessions Judge, North-West, or his/her nominee holding the Court of the ASJ/ ADJ, who shall be the Chairperson of the Committee;
- (ii) The concerned District Magistrate, North-West shall be one of the members;
- (iii) The Deputy Commissioner of Police (Crime Against Women Cell) having jurisdiction over the area, who shall also be a member;
- (iv) The Secretary of the District Legal Services Authority shall also be a member;
- (v) One nominee of the DCW shall be a member; and
- (vi) The District Officer of Women and Child Department (WCD) of GNCTD shall be the convenor. The said officer shall also act as the Nodal Officer.

7. The functioning of the said Committee shall be supervised by Ms.Kiran Bedi, former Lieutenant Governor of Puducherry – who has very kindly consented to shoulder the responsibility in that capacity. It shall be the obligation of the GNCTD to provide whatever assistance is required by her in discharge of its functioning.

8. The mandate of the Committee has already been reflected by our



observations made hereinabove. The committee shall function to see and ensure that no woman inmate, or child, if any, found in the respondent institution, is subjected to any such treatment which may tantamount to breach of their fundamental or other legal rights.

9. The Committee shall be provided with access by the institution to inspect the premises and to interact with the inmates freely on a regular basis.

10. The records of the Institution with regard to the inmates who have joined institution from time to time shall also be made available to the Committee for their inspection.

11. We direct the respondent No.6 Institution to also comply with provisions of the aforesaid Act and Rules, and maintain the records in terms of Rule 12 of the Delhi Women and Children's Institutions (Licensing) Rules, 1960.

12. The Committee may take the assistance of Medical Doctors, Psychiatrist and other experts to make an assessment of the physical and mental well being of the inmates at the institution.

13. At the same time, we make it clear that the Institution shall be free to pursue its religious and spiritual activities, provided none of them infringe any fundamental or other right of any inmate or any other person.

14. The respondent No. 6 Institution has its establishments at several locations in the NCT of Delhi, with the main establishment being situated at Vijay Vihar. The same Committee shall have authority and jurisdiction to examine all the establishments of respondent No. 6 in the NCT of Delhi, and



concerned Statutory Authorities in the other districts shall be bound to provide assistance to the Committee and its members wherever required.

15. The Committee shall file its reports on a monthly basis.
16. List on 27.05.2022 to await the first report of the Committee.
17. Earlier interim orders passed in these proceedings shall continue.

VIPIN SANGHI, ACJ

NAVIN CHAWLA, J

APRIL 26, 2022

aks