

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (C) No. 2742 of 2019

Sonali Mukherjee @ Sonali Mukharjee **Petitioner**
Vs.
The Union of India & Ors **Respondents**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner : Md. Shadab Ansari, Advocate
For the Res-State : Ms. Aprajita Bhardwaj, A.C to A.G
For the Res-UOI : Mr. Bharat B. Prasad Sinha, CGC
Ms. Bakshi Vibha, Adv

Order No. 04 : Dated 13th September, 2019

It is a case where direction has been passed upon the State authorities on 1st July, 2019 and again on 27th August, 2019 and the matter was adjourned, in order to come up with a stand by the State of Jharkhand with respect to the compliance of order passed by Hon'ble Apex Court in the case of ***Laxmi Vs. Union of India & Ors (W.P. (Crl) No. 129 of 2006)*** wherein one of the question fell for consideration was for the proper treatment, aftercare and rehabilitation of the victims of acid attack, for which a meeting was convened on 14.03.2015 and certain decisions have been taken, which reads as under:

"The decisions taken in the meeting read as follows:

- The State/UTs will take a serious note of the directions of the Supreme court with regard to treatment and payment of compensation to acid attack victims and to implement these directions through the issue of requisite orders/notifications.*
- The private hospitals will also be brought on board for compliance and the State/UTs will use necessary means in this regard.*

- *No hospital/clinic should refuse treatment citing lack of specialized facilities.*
- *First-aid must be administered to the victim and after stabilization, the victim/patient could be shifted to a specialized facility for further treatment, wherever required.*
- *Action may be taken against hospital/clinic for refusal to treat victims of acid attacks and other crimes in contravention of the provisions of Section 357C of the Code of Criminal Procedure, 1973.*

We expect the authorities to comply with these decisions.”

In pursuance to the aforesaid decision, the Hon'ble Apex Court issued direction that the State Governments/Union Territories should seriously discuss and take up the matter with all the private hospitals in their respective State/Union Territory to the effect that the private hospitals should not refuse treatment to victims of acid attack and that full treatment should be provided to such victims including medicines, food, bedding and reconstructive surgeries.

The Chief Secretary has also been directed to ensure that the order is sent to all the District Magistrates and due publicity is given to the order of this Court.

It has been submitted by Ms. Aprajita Bhardwaj, A.C to learned Advocate General that order dated 1st July, 2019 and 27th August, 2019 have already been communicated to the concerned competent authorities of the State of Jharkhand, but no concrete response has come till date.

This Court is treating this serious for the reason that direction has been given by the Hon'ble Apex Court, in

particular, to Chief Secretary to ensure that the order is sent to all the District Magistrates and due publicity is given to the order of this Court. But, it appears from the attitude of the respondents-authorities that they are neither bothering about the order passed by the Hon'ble Apex Court nor the order passed by this Court.

This Court makes it clear that if the State will not come up with its affidavit regarding compliance of the order passed by the Hon'ble Apex Court in ***Laxmi (supra)*** by the next date of hearing, the Chief Secretary, State of Jharkhand; the Secretary, Social Welfare, Women & Child Development Department, Govt. of Jharkhand and the Deputy Commissioner, Dhanbad shall have to remain physically present in the Court on the next date of hearing.

List this case on 20.09.2019.

Let a copy of this order be handed over to A.C to learned Advocate General for its onward communication to the authorities concerned.

(Sujit Narayan Prasad, J.)