

\$~1

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Date of Decision: 24<sup>th</sup> April, 2020*

+ W.P.(C) 2973/2020 & CM APPLs. 10318/2020 (*exemption*),  
10372/2020 (*Intervention*), 10373/2020 (*exemption*), 10374/2020  
(*exemption*) & 10375/2020 (*exemption*)

ALL INDIA COUNCIL OF HUMAN RIGHTS,  
LIBERTIES AND SOCIAL JUSTICE

..... Petitioner

Through: Ms. Mithu Jain & Mr. Arjun Syal,  
Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Maninder Acharya, ASG with  
Mr. Anurag Ahluwalia, CGSC and  
Mr. Viplav Acharya, Adv. for R-1, 2,  
4 & 6.

Mr. Sanjoy Ghose, ASC with  
Ms. Urvi Mohan, Adv. for  
R-3/GNCTD.

Mr. Rajshekhar Rao, Adv. for  
R-5/DCW.

Mr. Sumer Sethi, Adv. with  
Mr. Kanwal Jeet Arora, Member  
Secretary, DSLSA for applicant in  
CM No.10372/2020 (for  
Intervention).

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**

: **D. N. PATEL, Chief Justice** (*Oral*)

**CM APPLs. 10318/2020, 10373/2020 & 10374/2020** (*all exemption applications*)

Allowed, subject to just exceptions.

The applications stand disposed of.

**CM APPL.10372/2020** (*for Intervention*)

Having heard learned counsel for the applicant/Delhi State Legal Services Authority (DSLISA) and looking to the role to be played by them, this application is allowed. Delhi State Legal Services Authority is permitted to be joined as a party respondent.

**W.P.(C) 2973/2020**

1. The Court is convened through Video Conferencing.
2. This Public Interest Litigation has been preferred with the following prayers:-

*“(a) Issue a writ of mandamus or any appropriate writ, order or direction to the Respondents or other appropriate authorities to exercise powers vested to them u/s 34 of The Disaster Management Act, 2005:*

*i. to appoint Nodal Officers to attend distress calls of Domestic Violence Victims and victims of child abuse;*

*ii. to activate and widely publicize helpline numbers, WhatsApp numbers as well as numbers of concerned NGOs and Govt. representatives who would be able to assist the victims immediately and round the clock;*

*iii. to create an awareness drive vide all possible channels – be it news channels, Doordarshan, newspapers, radio, websites, WhatsApp alerts, SMS alerts, tele-calling etc. and other social media such as Facebook and Twitter about the issue of*

*domestic violence and child abuse and ensure that immediate help is available;*

*iv. to exempt/relax lockdown norms for any person who steps out of the house to report domestic abuse or child abuse and that no action will be taken against them;*

*v. to offer free tele-counselling or video-counselling to victims by teams of Psychologists/Psychiatrists and the same be widely advertised on all social media such as Facebook and Twitter. Even regular SMSs can also be sent to create awareness;*

*vi. to establish local area wise/colony wise temporary shelters and rape crisis centres;*

*vii. to organize announcements in colonies/societies through the police personnel already deployed in those areas, to whatever extent possible, about the consequences of such abuse and that help is available for any such victim who is scared to come out;*

*viii. to identify places/hostels/hotels within Delhi and keep them ready to relocate any such victims of domestic abuse and child abuse, should they be compelled to leave their homes immediately;*

*ix. to provide any such victim of domestic violence or child abuse, police protection immediately, if needed;*

*x. to identify additional ways to help the victims who have no means to escape and devise new techniques for the outreach on an urgent basis;*

*xi. to popularize the use of some agreed upon code-word/sign language through which the victims of domestic violence/child abuse can report at pharmacy/grocery stores or hospitals (which are open during the lockdown);*

*(b) Pass such other or further order(s) as this Hon'ble Court*

*may deem fit, just and proper in the facts and circumstances of the case.”*

3. Learned counsel for the petitioner has submitted that domestic violence against women has increased manifold in the lockdown period arising from COVID-19 pandemic. The petitioner referred to the World Health Organization (WHO) guidelines dated 26.03.2020 relating to COVID-19 and violence against women at ‘Annexure P-1’ of the memo of this writ petition. Learned counsel also referred to the order passed by the High Court of Jammu and Kashmir dated 18.04.2020 wherein the Hon’ble Court has taken *suo moto* cognizance on account of an upsurge in domestic violence cases against women and children and issued notices to the Secretaries and appointed Amicus Curiae. She has specifically referred to paragraphs 6 and 7 of the said order.

4. Learned counsel for the petitioner has also referred to the status report filed by the Union of India on behalf of respondents No.1, 2, 4 and 6 and also referred to the status report filed by the Government of NCT of Delhi. She has categorically pointed out that only 17 Protection Officers are not adequate for such a large population of Delhi. No mass campaigning has been done till date and no efforts have been undertaken for mass outreach. They have published helpline numbers only in two English newspapers, namely, ‘The Pioneer’ and ‘The Indian Express’. Learned counsel for the petitioner further submitted that the remedies regarding the domestic violence available on the website are of no help to the poor, down-trodden and illiterate as they have no access to these online remedies.

5. Learned counsel for the petitioner has suggested that the following measures may be undertaken by the respondents which are as follows:

- (i) The number of Protection Officers may be increased;
- (ii) There must be wide publication through various modes of electronic and print media;
- (iii) Helpline numbers may be widely published in several newspapers and in any other methodology that can be easily adopted;
- (iv) If any complaint is filed, immediate action should be taken; and
- (v) Emergency passes may be issued to the Protection Officers;
- (vi) Dedicated teams including women officers may be formed.

6. Ms. Maninder Acharya, learned Additional Solicitor General appearing for the Union of India – respondents No.1, 2, 4 and 6 has referred to the previous order of this Court dated 18.04.2020 wherein the directions issued by this Court have been fully complied with. Furthermore, the learned Additional Solicitor General submitted that on 25.03.2020, an Advisory was issued by the Ministry of Women and Child Development to Chief Secretaries/ Administrators of all States/ UTs and District Collectors/ District Magistrates of all districts regarding One Stop Centres and Women Helplines (WHL-181) to remain operational during the COVID-19 lockdown period. Emergency Response Support System over the short code 112 is also available for emergency rescue and support to women facing or apprehending violence and that the Protection Officers would continue to provide their services.

7. Learned Additional Solicitor General also referred to the Ministry of Home Affairs' advisories dated 25.03.2020 and 15.04.2020 mentioning women's homes being exempt from COVID-19 lockdown with the support of necessary staff.

8. Learned Additional Solicitor General has also referred to paragraphs 8 and 9 of the status report filed by the Union of India dated 23.04.2020 wherein the efforts made by the Government of India in collaboration with State Governments/UT Administrations regarding sensitizing the Officers for ensuring effective implementation of the Protection of Women from Domestic Violence Act, 2005 have been highlighted.

9. Learned Additional Solicitor General has further submitted that four hours long webinar was conducted by the Ministry of Women and Child Development wherein special sessions were held by eminent experts from All India Institute of Medical Sciences (“AIIMS”) and National Legal Services Authority (“NALSA”) on psychological and legal counseling and such other matters to provide guidance to the frontline functionaries for assisting women affected by difficult circumstances including domestic violence. Director, Institute of Human Behaviour and Allied Sciences, Delhi and experts from National Institute of Mental Health and Neurosciences (“NIMHANS”) had also participated in this webinar.

10. Learned Additional Solicitor General has further submitted that the Ministry of Health and Family Welfare in collaboration with “NIMHANS” has started a helpline 080 – 46110007 to provide psychological support to victims of domestic violence.

11. Learned Additional Solicitor General has further submitted that the National Commission for Women (NCW) has introduced a complaints portal [<http://ncwapps.nic.in/onlinecomplaintsv2/frminstructions.aspx>] for registering complaints of women facing domestic violence and also launched a special WhatsApp number – 7217735372 for the same. It is further submitted that an Advisory dated 30.01.2020 has also been issued by

the Ministry of Information and Broadcasting to all private satellite TV channels and FM Radio channels to give adequate publicity to the ERSS [121] on women safety and persons in distress.

12. Learned Additional Solicitor General has further submitted that a meeting was convened on 22.04.2020 under the Chairmanship of Smt. Smriti Zubin Irani, the Hon'ble Minister for Women and Child Development, in compliance of this Court's order dated 18.04.2020 for protection of the victims of domestic abuse/violence. The minutes of the said meeting have been annexed as 'Annexure R-1' to the status report filed by the Union of India and all adequate measures have been taken for the safety of the victims of domestic violence.

13. Learned Additional Standing Counsel for the Government of NCT of Delhi submitted that in compliance of order of this Court dated 17.04.2020, a status report dated 23.04.2020 has been filed wherein various measures have been taken by the respondent No.3 including operation of a helpline number 181 [24 hrs. open] for women in distress being run and managed by Delhi Commission for Women and also set up 3 government run women institutions and given recognition to 14 NGO-run Women Shelter homes. Learned ASC further submitted that to deal with the issue of domestic violence, they have advertised the helpline number and WhatsApp helpline number for women in two leading newspapers, namely, The Pioneer and The Indian Express newspaper, the provision of institutional services as well as Sakhi-one stop centre for women and also appointed Protection Officers under Section of the Protection of Women from Domestic Violence Act, 2005.

14. Delhi State Legal Services Authority (DSLISA) be joined as party respondent (respondent No.7) in this petition.

15. Mr. Kanwal Jeet Arora, Member Secretary, Delhi State Legal Services Authority (DSLISA) has submitted that one toll-free helpline number 1516 with a view to help vulnerable sections of society and another WhatsApp number 9667992802 wherein any victim of domestic violence can approach DSLISA through SMS or just giving a missed call and even after receiving a message or a missed call, the victim is contacted by competent legal aid and advice. Similarly, the DSLISA has also given wide publicity to helpline number through Radio jingles and newspaper advertisements and also they are taking the help of chemist shops and mother dairy booths for distribution of pamphlets to create awareness to curb out the domestic violence incidents against women.

16. Mr. Rajshekhar Rao, learned counsel for Delhi Commission for Women (DCW) has submitted that they are taking various measures regarding the complaints of domestic violence such as offering advice to the callers, providing immediate assistance at the time of emergency, providing the mobile helpline (MHL) through mobile helpline counsellors. Additionally, the DCW has also introduced a WhatsApp Helpline Number 9350-181-181 and is taking necessary steps to publicize the same to help vulnerable women. In serious assault/sexual assault cases, Crisis Intervention Centre (CIC) through rape crisis cell counsellors accompany the aggrieved person to the police station, hospital, etc.

17. We have heard learned counsels for both the sides.

18. The status reports filed by the respondents No.1, 2, 4 and 6 dated 23.04.2020 and the status report filed by the Government of NCT of Delhi –



respondent No.3 dated 23.04.2020 are taken on record.

19. In view of the aforesaid facts, reasons and the reports filed by the respondents No.1, 2, 4 and 6 dated 23.04.2020, and also looking to the status report filed by the Government of NCT of Delhi – respondent No.3 dated 23.04.2020, and also looking to the fact that various steps have been taken by the Ministry of Women and Child Development by issuing Government Order/advisory dated 25.03.2020, and also looking to the various steps taken by the other Ministries like the Ministry of Health and Family Welfare – respondent No.2 as well as by National Commission for Women (NCW) – respondent No.4, as well as looking to the steps taken by the Ministry of Information and Broadcasting – respondent No.6, and also keeping in mind the various meetings and webinars and meeting convened under the Chairmanship of Hon'ble Minister dated 22.04.2020, and also looking to the detailed status report filed by Government of NCT of Delhi – respondent No.3 dated 23.04.2020 – paras 2 and 5 thereof, it appears that enough and adequate steps have already been initiated by the respondents and we see no reason to further monitor this case. Nonetheless, looking to the suggestions given by the petitioner in the application dated 18.04.2020, especially in para 8 thereof, they will be further appreciated by the concerned respondent authorities because the steps already taken by the respondents can be further modified by the respondents looking to the present need of the society.

20. A suggestion given by the petitioner about temporary appointment of Protection Officers as envisaged under the Protection of Women from Domestic Violence Act, 2005 can also be looked into by the respondents till the regular appointment of Protection Officers are made.

21. We have also perused the details of the aforementioned application and steps already taken by DSLSA, especially about the helplines, radio jingles, WhatsApp number, etc. and also the fact that DSLSA is also taking the help of Chemist Shops, Mother Dairy booths, Anganwadi workers and also looking to the flow chart given in paragraph No. 17 of the said application, the details of reporting have been mentioned. So far as counselling is concerned, Nodal Officers have been appointed, tele-counselling is also provided. We are also informed by the respondents that now transit passes have also been issued to the Protection Officers.

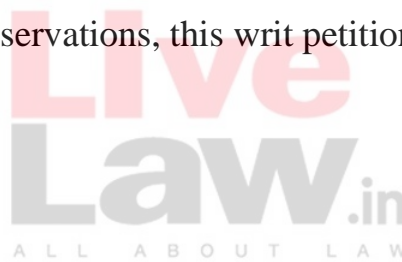
22. Looking to averments canvassed by counsel for the petitioner that on using certain helplines, the complainant is not getting proper response. These facts have been stated in the brief note filed by the petitioner through e-mail received today. The same is also taken on record. We, therefore, direct the concerned respondent authorities to verify the aforesaid facts and, if need arises, such person who is working or responding on helpline may be changed. It ought to be kept in mind by the concerned respondent authority that a person who is responding on the helpline must be trained about possible remedies of the common difficulties of the complainants and such a mechanism must be brought into force by which prompt action can be taken forthwith.

23. Looking to the detailed notes filed by respondent No.5 dated 17.04.2020, especially looking to paras 4, 10, 11, 14, 15 and 16 thereof, it appears that enough and adequate steps have already been taken by the respondents and hence also we see no reason to further monitor this case. Nonetheless, the suggestions given by the petitioner as mentioned hereinabove and detailed in para 8 of the application dated 18<sup>th</sup> April, 2020,

the appointment of temporary Protection Officers shall be kept in mind by the respondents.

24. We expect from the respondents that the provisions contained in the Protection of Women from Domestic Violence Act, 2005 shall be effectively implemented by the respondents. All the helplines and WhatsApp numbers, etc. which are mentioned hereinabove in detail shall be kept functional properly and they shall respond to whatever calls or messages they are receiving. If the affected persons face any difficulties in reaching the Nodal Officers, or in any other respect, it shall always be open to them, to contact the DSLSA, which assures us, that they will take all due steps to come to their aid.

25. With these observations, this writ petition is hereby disposed of.



**CHIEF JUSTICE**

**C. HARI SHANKAR, J**

**APRIL 24, 2020**

**kks**