

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (PIL) No.2253 of 2024

 Court on its Own Motion

-Versus-

1. The State of Jharkhand, through Chief Secretary, Government of Jharkhand, Project Building, Dhurwa, Ranchi.
2. Deputy Commissioner, Ranchi.
3. Director General of Police, Government of Jharkhand, Project Building, Dhurwa, Ranchi.
4. Senior Superintendent of Police, Ranchi.

..... Respondents.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

Amicus curiae	:	Mr. Sumeet Gadodia, Advocate with Ms. Shruti Shekhar, Advocate
For the State	:	Mr. Gaurav Raj, A.C. to A.A.G.-II
For the JHALSA	:	Mr. Atanu Banerjee, Advocate
For the Intervenor/ Applicant	:	In Person

Reserved on 04.05.2026

Pronounced on 08.06.2026

Per: Rajesh Shankar, J.

1. The present writ petition was originally filed in the form of Public Interest Litigation by one Ms. Padma Baraik seeking following reliefs: -
 - (i) For issuance of direction upon the concerned respondent authorities to register a Zero F.I.R irrespective of the jurisdiction of the incident and to transfer the same to appropriate police station without any delay or geographical restriction.
 - (ii) For issuance of direction to the appropriate authority to provide accommodation facility to the rape victims and to constitute a Complaints Redressal Committee, headed by a woman which should prepare and submit annual report to the concerned

government department regarding complaints and action taken.

- (iii) For issuance of direction to provide compensation for survival of rape victims in the society and to ensure speedy trial as well as time bound conclusion of their cases.
- (iv) For issuance of direction upon the concerned respondent authorities to provide free education to the minor children born out of the rape incidents.
- (v) For issuance of direction upon the respondent authorities to instruct the media not to disclose the identity of rape victims.
- (vi) For issuance of direction upon the concerned police personnel to treat the rape victims with human feelings, harassment free behaviour as well as to ensure time bound investigation of their cases while safeguarding them from the accused persons.
- (vii) For issuance of direction upon the concerned respondent authorities not to conduct 'two fingers test' during medical examination of the rape victims.
- (viii) For issuance of direction upon the concerned respondent authorities to organize legal and physical awareness programme in school and college level as well as in the village areas to make girls/women

capable of protecting themselves in any such untoward incident.

(ix) For issuance of direction upon the concerned respondent authorities to provide job oriented training facilities for livelihood of the rape victims.

2. On perusal of the record it appears that on previous dates, Ms. Padma Baraik was insisting to espouse her personal cause which could not have been entertained in a Public Interest Litigation. Nonetheless, looking to the importance of the aspects involved in the present PIL, *suo motu* cognizance of the issue was taken by a Co-ordinate Bench of this Court vide order dated 24.09.2025 and Ms. Padma Baraik was permitted to assist the court as an intervenor. Ms. Padma Baraik was, however, given liberty to pursue her individual cause in accordance with law.

3. The intervenor- Ms. Padma Baraik has also filed her notes of suggestion in this court in Hindi which is taken on record. The notes also contain general grievances which are summarized as under:-

(i) In spite of the specific provision in Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023, the police officers are not registering Zero FIR with respect to the offences of sexual violence, rather they misbehave with the victims.

(ii) Neither free copy of FIR is being provided to the victims nor their statements are recorded by the female police officers as mandated under BNSS.

- (iii) Appropriate compensation is not provided to the rape victims as per the guidelines laid down in the judgment of the Hon'ble Supreme Court rendered in the case of ***Nipun Saxena & Anr. Vs. Union of India & Ors., reported in (2019)2 SCC 705***, and ***National Legal Services Authority (NALSA) Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes.***
 - (iv) 'Sakti Sadan', Arsande, Kanke, Ranchi and One-Stop Centres (OSCs.) located in every district lack proper facilities and the same are required to be improved.
4. Mr. Atanu Banerjee, Advocate, appearing on behalf of Jharkhand Legal Service Authority (JHALSA) has also filed notes of suggestions on the issues raised in the present PIL. It has been highlighted *inter alia* that currently there is no shelter home functional in the district of Ranchi for victims/survivors of sexual assault aged more than 18 years to stay for longer period. The maximum duration of stay in 'One Stop Centre' is only for 10 days.
 5. It has, however, been mentioned that during pendency of the present PIL, 'Nari Niketan' (Shakti Sadan) has been made functional as an effective shelter home for the victims of sexual assault. This Court vide order dated 14.11.2025 had directed the Secretary/Under Secretary, Department of Women, Child Development and Social Security, Government of Jharkhand to file fresh counter affidavit stating the purpose for which 'Nari Niketan' (Shakti Sadan) can now be put to use. No such affidavit

has, however, been filed. As such the Secretary, Department of Women, Child Development and Social Security, may be directed to ensure formulation of the basic objectives of the 'Nari Niketan' and to issue appropriate instruction for providing shelter, rehabilitation measures and all required support to the female victims of violence/assault/sexual offence.

6. It has further been suggested that periodical inspection of one stop centres situated within the State of Jharkhand may be made by the Secretary, Department of Women, Child Development and Social Security, Government of Jharkhand to ensure the availability of all required support and facilities in the said centres. Moreover, accountability of the said officer should be fixed for any shortcomings, lapses and mismanagement found in the said centres.
7. According to JHALSA, it will provide legal aid to the victims as and when required by the concerned official/supervisor of the One Stop Centres/shelter home. The particulars/contact details of JHALSA, respective DLSAs and the Para Legal Volunteers (PLVs) should be displayed prominently in the one stop centres/ shelter homes.
8. It has also been emphasized that counselling of the victims may be provided at the instance of the State Government by experienced counsellors through RINPAS or by deputing such counsellors from any other source, so that the rape victims/survivor may gradually come out of their mental trauma.

9. Mr. Sumit Gadodia, Advocate has been appointed as Amicus Curiae in this case vide order dated 02.05.2024 passed by a Co-ordinate Bench of this Court. He has filed detailed notes pursuant to the order dated 29.01.2026 passed by this Court highlighting the issues raised in the present Public Interest Litigation, the legal positions as well as the aspects to be followed by the Government, police officials and other agencies so as to deal with such issues.

Re. - Issue 1: The concerned respondent authorities to register a Zero F.I.R irrespective of the jurisdiction of the incident and to transfer the same to an appropriate police station without any delay or geographical restriction.

10. In the case of ***Satvinder Kaur v. State (Govt. of NCT of Delhi) & Another reported in (1999) 8 SCC 728***, the Hon'ble Supreme Court has held as under: -

"10. It is true that territorial jurisdiction also is prescribed under sub-section (1) to the extent that the officer can investigate any cognizable case which a court having jurisdiction over the local area within the limits of such police station would have power to enquire into or try under the provisions of Chapter XIII. However, sub-section (2) makes the position clear by providing that no proceeding of a police officer in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered to investigate. After investigation is completed, the result of such investigation is required to be submitted as provided under Sections 168, 169 and 170. Section 170 specifically provides that if, upon an investigation, it appears to the officer in charge of the police station that there is sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall

forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police report and to try the accused or commit for trial. Further, if the investigating officer arrives at the conclusion that the crime was not committed within the territorial jurisdiction of the police station, then FIR can be forwarded to the police station having jurisdiction over the area in which the crime is committed. But this would not mean that in a case which requires investigation, the police officer can refuse to record the FIR and/or investigate it."

11. In the case of ***Lalita Kumari Vs. Govt. of Uttar Pradesh and Others, reported in (2014) 2 SCC 1***, the Hon'ble Supreme Court while interpreting the provision of Section 154 Cr.P.C. has held as under:-

"83. In terms of the language used in Section 154 of the Code, the police is duty-bound to proceed to conduct investigation into a cognizable offence even without receiving information (i.e. FIR) about commission of such an offence, if the officer in charge of the police station otherwise suspects the commission of such an offence. The legislative intent is therefore quite clear i.e. to ensure that every cognizable offence is promptly investigated in accordance with law. This being the legal position, there is no reason that there should be any discretion or option left with the police to register or not to register an FIR when information is given about the commission of a cognizable offence. Every cognizable offence must be investigated promptly in accordance with law and all information provided under Section 154 of the Code about the commission of a cognizable offence must be registered as an FIR so as to initiate an offence. The requirement of Section 154 of the Code is only that the report must disclose the commission of a cognizable offence and that is sufficient to set the investigating machinery into action."

12. The aforesaid judgements, thus, mandate that the investigating machinery must register an FIR regarding commission of cognizable offence and promptly investigate the same. A police officer cannot refuse to register an FIR on the ground of territorial jurisdiction.
13. The Ministry of Home Affairs (MHA), Government of India has also issued advisory dated 10.05.2013 clarifying that FIRs must be registered even when the offence has occurred outside the territorial jurisdiction of any police station. It also stresses upon registration of Zero FIR followed by transfer of the case to appropriate police station without delay for speedy justice under Section 170 Cr.P.C. (now Section 190 of BNSS).
14. The MHA has issued another advisory dated 05.02.2014 reiterating that police officers are duty-bound to register FIRs under Section 154 Cr.P.C. (now Section 173 of BNSS) and refusal to register FIR attracts prosecution under Section 166A IPC [now Section 199 of Bharatiya Nyaya Sanhita (BNS)], apart from departmental action.
15. The MHA has further issued advisory dated 12.10.2015 emphasizing compulsory registration of Zero FIR and has instructed the States/UTs to ensure strict compliance.
16. Section 173 of BNSS provides that every information relating to commission of a cognizable offence, irrespective of the area where the offence is committed, may be given orally or by electronic communication to an officer-in-charge of a police station. It further provides that any information given by a

woman against whom sexual offences are alleged to have been committed or attempted, has to be recorded by a woman police officer or any woman officer. Moreover, if such offence is alleged to have been committed or attempted against a temporarily or permanently mentally or physically disabled, such information has to be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be and the recording of such information has to be mandatorily videographed. Further, the police officer has to get the statement of the person recorded by a Magistrate under clause (a) of sub-section (6) of section 183 of the BNSS (corresponding to Section 164 of Cr.P.C.).

17. The Bureau of Police Research & Development, Ministry of Home Affairs has also issued an SOP on 28.06.2024 regarding Zero FIR & e-FIR. It provides that upon receipt of information disclosing a cognizable offence, the SHO or officer on duty of the concerned police station is mandatorily required to register a Zero FIR without conducting a jurisdictional inquiry or delaying registration. It further provides for strict compliance of the provisions of section 173 of the Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023 while recording Zero FIR. After registration of Zero FIR, the investigating officer of the same police station may undertake primary investigation (e.g. medical examination of a rape victim). The SOP clearly provides for prompt forwarding of the Zero FIR to the police station having territorial jurisdiction of

the incident, where it must be re-registered as a regular FIR which has to be assigned to an investigating officer by the SHO for further action. It also provides that the investigating officer shall proceed with the investigation as per the standard procedures under BNSS and provide regular updates on the investigation to the complainant. The SOP highlights the remedies under Section 173(4) BNSS and penal consequences under Section 199 Bhartiya Nyaya Sanhita (BNS), 2023 for police officers who refuse or fail to register Zero FIR, ensuring enforceability through criminal and departmental liability.

Suggestions of Amicus Curiae:

18. Learned Amicus Curiae has submitted that the Director General of Police may be directed to issue a binding circular to all police stations requiring mandatory registration of Zero FIR in all cognizable offences irrespective of territorial jurisdiction of the incident, with particular emphasis on the offences of sexual violence along with some preliminary actions like medical examination of rape victims in order to prevent loss of evidence due to jurisdictional transfers. It is also suggested that the transfer of a Zero FIR to the police station having territorial jurisdiction should be carried out expeditiously and without any procedural, technical, or geographical impediments.
19. The Amicus Curiae has further submitted that non-compliance of the said directions may be treated as a serious violation of statutory duty, attracting criminal liability under Section 199 BNS and departmental action against the erring officials. Moreover,

continued or systemic failure must entail personal accountability of the supervisory officers including the Superintendent of Police and the Director General of Police, to ensure effective enforcement of the mandate.

20. It is further suggested that periodic sensitisation programmes and training modules should be conducted for police personnel to ensure effective implementation of the legal mandate relating to Zero FIRs. The procedural requirements relating to jurisdiction ought not to be permitted to defeat or dilute the substantive rights of complainants, particularly victims of serious and cognizable offences.

Observations of the Court:

21. In view of the binding precedent of the judicial pronouncements of the Hon'ble Supreme Court referred hereinabove coupled with the mandatory provision of BNSS, 2023, lodging of Zero FIR is obligatory upon the police authorities irrespective of territorial jurisdiction of the incident. The police personnel are duty bound to strictly adhere to the mandate of SOP. It is, however, evident that the aforesaid mandatory provisions are still not being scrupulously followed by the police authorities resulting into delay in the medical examination of rape victims/victims of POCSO offences and in recording of their statements thereby jeopardising the prosecution case.
22. The learned Amicus Curiae has suggested initiation of penal as well as departmental proceedings against the erring police officials for non-compliance with the aforesaid mandatory

provisions. This court finds substance in the said suggestion and accedes to the same.

Re. Issue 2: Providing accommodation facility to the rape victims.

23. In the case of ***Nipun Saxena (Supra)***, the Hon'ble Supreme Court has held as under: -

"49. These courts need not only be used for trying cases under Pocso but can also be used as trial courts for trying cases of rape against women. In fact, it would be in the interest of children and women, and in the interest of justice if One-Stop Centres are also set up in all the districts of the country as early as possible. These One-Stop Centres can be used as a central police station where all crimes against women and children in the town/city are registered. They should have well-trained staff who are sensitive to the needs of children and women who have undergone sexual abuse. This staff should be given adequate training to ensure that they talk to the victims in a compassionate and sensitive manner. Counsellors and psychiatrists should also be available on call at these Centres so that if necessary the victims are counselled and in some cases it would be appropriate if the counsellors question the victims in a manner in which they have been trained to handle the victims of such offences. These One-Stop Centres should also have adequate medical facilities to provide immediate medical aid to the victims and the medical examination of the victims can be conducted at the Centre itself. These One-Stop Centres should also have video conferencing facility available where the statement of the victims to be mandatorily recorded under Section 164 CrPC can be recorded using video conferencing facilities and the victims need not be produced in the Court of the Magistrate. There should be courtroom(s) in these One-Stop Centres which can be used for trial of such cases. As far as possible these Centres should not be situated within the court complex

but should be situated near the court complex so that the lawyers are also not inconvenienced. Resultantly, the victims of such offences will never have to go to a court complex which would result in a victim-friendly trial. One such Centre which has already been set up is "bharosa" in Hyderabad. This can be used as a model for other One-Stop Centres in the country.

51. A copy of this judgment be sent to the Registrars General of all the High Courts so that the same can be placed before the Chairpersons of the Juvenile Justice Committee of all the High Courts for issuance of appropriate orders and directions and also to ensure that sincere efforts are made to set up One-Stop Centres in every district."

24. The State by filing counter affidavit has explained that 'One-Stop Centres' are currently functioning in all the 24 districts of the State of Jharkhand and the services provided there are similar to 'Bharosa Centres' in the State of Telangana. It offers holistic support and assistance to women and children who are the victims of domestic violence, sexual assault, human trafficking or any other form of exploitation. Moreover, the services such as Medical Assistance, Legal Support, Police Assistance, Psychological Counselling and Shelter are provided for a maximum period of 10 days. The financial burden is borne by the Central Government in association with the State of Jharkhand acting as the nodal agency for implementation of the scheme.
25. It has further been stated in the counter affidavit that all the schemes relating to violence, abuse, sexual assaults, human trafficking or any other form of exploitation as well as habitation safety, security and empowerment of women have been brought

under one comprehensive umbrella scheme i.e. 'Mission Shakti' and it has integrated One-Stop Centres and Women Helpline numbers.

Suggestions of Amicus Curiae:

26. The learned Amicus Curiae has submitted that while many 'One-Stop Centres' are reasonably maintained, the major gap remains in staffing, infrastructure and essential services. It is suggested that all vacant sanctioned posts must be filled urgently to ensure proper functioning of the centres. The security measures such as functional CCTV cameras, secured boundary walls and deployment of guards should be ensured along with availability of rescue vehicles in all the districts. The basic facilities including safe drinking water, functional kitchens, hygienic washrooms, sanitary pad dispensers and proper housekeeping must be uniformly provided. Non- functional equipments should be repaired promptly and all registers including visitors' register must be regularly maintained for accountability.
27. It is submitted that the State may be directed to ensure uninterrupted, need-based accommodation for rape survivors at 'One-Stop Centres' and affiliated shelter homes until effective rehabilitation is secured. A Women-Headed Complaints and Monitoring Committee should be constituted at the State level to supervise the operations of 'One-Stop Centres' to assess adequacy and quality of services and to ensure victim-centric delivery.

28. It is also submitted that the said Committee should submit annual compliance and performance report to the State Government. Moreover, failure to provide accommodation, denial of providing services, or non-submission of reports may be treated as dereliction of official duty, attracting departmental accountability and fixing personal responsibility on the supervisory authorities.

Observations of the Court:

29. On consideration of the affidavits filed by the State as well as the submission of the learned Amicus Curiae, it transpires that altogether 24 'One-Stop Centres' are functioning within the State of Jharkhand, out of which, some require improvement while others are in poor condition. Certain posts of permanent staff in the said centres need to be filled up. Further, CCTV cameras and fire extinguishers must be installed in the premises of the said centres to ensure security. Moreover, proper hygiene and cleanliness should be maintained in the kitchens and bathrooms. It is a matter of serious concern that even basic facilities such as proper sanitation, fully equipped kitchen and safe drinking water are lacking in certain centres.
30. The learned Amicus Curiae has placed a detailed chart regarding the current position of the 'One-Stop Centres' functioning in the State of Jharkhand and the areas requiring improvement therein, which is reproduced hereunder:-

Sl. No.	District	Brief Summary	Opinion of the Amicus Curiae as per the Report	Suggestion by Amicus Curiae
1	Nari Niketan (Shakti Sadan), Arsande, Kanke	The repair work is completed, and 24×7 women supervisor has been allotted.	Satisfactory/Good	Staff deployment should be increased, and cleanliness should be maintained properly.
2	Ranchi	The centre is well maintained with one dedicated vehicle available for rescue operations. Majority of the posts are filled except for the post of cook.	Satisfactory/Good	The three posts of the cook that are vacant should be filled urgently to keep the centre up and running.
3	Simdega	The centre has decent infrastructure but lacks in CCTV monitoring, staff strength, and quality of food.	Needs Improvement	The quality of food should be maintained properly. CCTV cameras should be ameliorated to make it functional and vacant positions should be filled on priority basis.
4	Jamshedpur	The Centre is located on the 3 rd floor without lift access. Although a Counsellor, IT Staff, and Legal Volunteers are available, there is no regular housekeeping, security, medical personnel, or cook, and the kitchen is non-functional. The sanitary conditions are poor and unhygienic, and proper drinking water facilities are lacking. Owing to security risks and inadequate resources, no inmate is currently residing at the Centre.	Poor	An elevator should be installed to ensure safe and easy access to the Centre. Immediate improvements are required in infrastructure and essential services, including proper sanitation, functional drinking water, facilities, and restoration of a fully equipped kitchen with a cook. Regular housekeeping, dedicated security personnel, and on-call or visiting medical staff must be deployed. Adequate staffing and resource allocation should be ensured so that the centre becomes safe, hygienic, and fully functional for residential use.

5	Dumka	The infrastructure is maintained but requires improvement as it is old and worn out. The boundary walls are too low and no security guard is deployed, posing safety concerns. Although kitchen space exists, it is poorly maintained and no cook has been appointed; only temporary food arrangements are made when required. Solar panels have been installed but are currently non-functional.	Poor	The existing infrastructure requires renovation and refurbishment, including necessary repairs and repainting of worn-out structures. The boundary walls should be heightened and a permanent security guard be deployed to ensure inmate safety. The kitchen must be properly maintained and made fully functional with the appointment of a regular cook to provide consistent and hygienic meals instead of temporary arrangements. The installed solar panels should be restored to operational condition to ensure uninterrupted power supply.
6	Koderma	Overall, the condition of the centre is decent. No sanitary pad machine is available and only two staff are deployed, one being a male and one female.	Satisfactory/Good	More staff should be deployed for smooth functioning of the centre, and a pad machine should be installed.
7	Latehar	The overall condition and functioning of the Centre is decent. All the sanctioned posts for staff and workers is vacant but a woman has been deployed for cooking, maintenance and cleaning.	Satisfactory/Good	The sanctioned posts need to be filled with immediate effect even though the Centre is functional with one staff.
8	Palamu	The overall condition of the Centre is satisfactory. The only issue of seepage in store-room and water leakage in washroom persists.	Satisfactory/Good	The seepage and leakage issue needs improvement. Rest, overall the Centre is well equipped and maintained.
9	Godda	Out of the total 13 sanctioned posts, only 5 were posted.	Needs Improvement	All vacant posts must be filled immediately and the in-charge

		The Centre In-charge was not present, but the counsellor and guards were posted and present. The boundary wall is short and without barbed wire. Majority of the rooms were decent except Kitchen, that was non-functional with expired grocery items and male washroom was unhygienic. Water Purifier was non-functional. Electricity supply is decent. No official communication equipment was present. No sweeper is engaged but night guard was responsible for cleanliness of the premises.		should be present at all times. The boundary wall should be heightened and secured. The kitchen and water purifier must be made functional, expired items be removed and washrooms should be properly maintained. Communication facilities should be installed, and a dedicated sweeper appointed to ensure hygiene.
10	Pakur	The condition of the Centre is moderately clean but requires maintenance. There is need for staff for proper maintenance. The centre lacks a dedicated source of drinking water and kitchen space is available but not in use.	Poor	Vacant staff positions should be filled to ensure proper maintenance and administration. A dedicated drinking water facility must be installed, and the existing kitchen space should be made functional. Regular infrastructure maintenance should be carried out to maintain hygiene and prevent deterioration.
11	Chaibasa	The Centre is well maintained with proper infrastructure. There is some vacancy to the post of Case Worker, Multi- purpose Worker and Security Guard. The kitchen is functional but unhygienic and the washrooms were not properly cleaned and unhygienic.	Needs Improvement	Vacant staff posts should be filled promptly, and strict hygiene and regular cleaning must be ensured in the kitchen and washrooms.

12	Deoghar	The infrastructure is decent, but the Sweeper and Cook are not available. The Kitchen and Washrooms are clean and hygienic with proper drinking water facility. CCTV installed is not functional and there is no fire extinguisher available.	Satisfactory/Good	There should be proper functioning and installation of CCTV Cameras and Fire Extinguisher. The post of sweeper and Cook should be filled on immediate basis.
13	Jamtara	Most of the sanctioned posts are vacant. Overall infrastructure is decent though out of two kitchens only one is functional. Washrooms are not clean and hygienic and underground water supply is not functional.	Needs Improvement	All vacant sanctioned posts should be filled urgently to ensure proper functioning of the Centre. The non-functional kitchen should be restored to use, and strict hygiene measures must be implemented for regular cleaning of washrooms. The underground water supply system should be repaired immediately to ensure adequate and reliable water availability.
14	Chatra	Overall infrastructure is decent and appreciable, but the roof and front portion of the Centre needs some improvements. Sufficient number of staff are available at the centre.	Satisfactory/Good	Only roof and front portion of the Centre should be improved and maintained properly. Rest all facilities are satisfactory.
15	Sahibganj	Overall structure of the Centre was decent except the boundary walls that lacked barbed wire. There are some posts vacant which are required for proper functioning.	Needs some Improvement	The boundary walls should be secured with barbed wire to ensure safety and prevent security risks. All vacant posts must be filled promptly to ensure proper administration and smooth functioning of the Centre.
16	Dhanbad	Some posts are vacant like Case Workers, Para- Legal Personnel	Needs Improvement	Vacant posts of Case Workers, Para-Legal Personnel, and

		and Psycho-social Counsellors. The centre does not have its own individual building and is using the building assigned to Red Cross Society. Doctor and Counsellor facilities are available. The bathrooms are not hygienic. CCTV cameras are working and security guards are on contractual engagement.		Psycho-social Counsellors should be filled promptly, and efforts should be made to provide a dedicated building for the Centre. Bathroom hygiene must be improved through regular cleaning, and existing security arrangements should be strengthened and properly monitored.
17	Gumla	The basic structure was decent, but the bathrooms needed upkeep. There is lack of adequate staff including no arrangement of night guard. Raw materials in the kitchen were of good quality and there was proper drinking water supply available.	Needs Improvement	Regular maintenance and cleaning of bathrooms should be ensured to maintain hygiene. Adequate staff must be appointed, including deployment of a night guard for security. Existing kitchen and drinking water facilities should be regularly monitored to maintain quality and standards.
18	Garhwa	Posts of Lawyer, Office Assistant with IT, Multi-Purpose Staff/ Cook and Security Guard were vacant. Doctor is available on call and not permanently. Bathrooms are not up to mark but kitchen and common areas are clean. CCTV cameras are not installed.	Needs Improvement	Vacant posts must be filled promptly, and arrangements for regular medical visits should be made. Bathroom hygiene requires improvement, and CCTV cameras should be installed to strengthen security, while maintaining cleanliness of the kitchen and common areas.
19	Ramgarh	Overall, amenities were available but one of the CCTV Cameras out of four was not working. There is vacancy of staff. The kitchens and washrooms were in clean and hygienic condition with availability of drinking water.	Satisfactory/ Good	Staff vacancies should be filled and the non-functional CCTV camera be repaired, while maintaining existing hygiene and drinking water facilities.

20	Hazaribagh	There is no permanent staff, and the Centre is working with only deputed personnel from other departments. The registers were not being updated regularly. There is no kitchen facility and drinking water available. CCTV cameras were duly installed and functional. Vehicle was not available. Overall cleanliness was not up to mark.	Poor	Permanent staff should be appointed instead of relying solely on deputed personnel, and registers must be regularly updated to ensure proper record maintenance. A functional kitchen and safe drinking water facility should be provided. Cleanliness must be improved through regular housekeeping. Although CCTV cameras are functional, a vehicle should be made available for official and emergency purposes.
21	Seraikella - Kharsawan	Out of the total sanctioned thirteen posts, only one is posted and rest are vacant. The overall cleanliness of the premise requires proper improvement.	Not Satisfactory	With only one of thirteen sanctioned posts filled, all vacancies must be urgently addressed and overall cleanliness significantly be improved.
22	Lohardaga	Some posts are vacant though proper functioning of the Centre is happening. Cleanliness and hygiene was maintained properly. Water logging problem was found in certain areas.	Satisfactory/ Good	Vacant posts should be filled to strengthen operations, and the water logging issue must be promptly addressed.
23	Giridih	Infrastructure is decent with average cleanliness and hygiene, but no CCTV cameras are installed.	Satisfactory/ Good	CCTV cameras should be installed to enhance security, and cleanliness and hygiene standards should be further improved through regular maintenance.

31. We, accordingly, direct the State Government to take into consideration the suggestions made by the learned Amicus Curiae

and to ensure that the said suggestions are followed/implemented with all sincerity and promptness.

Re. Issue No.3: To provide compensation for survival of rape victims in the society and to ensure speedy trial as well as time bound conclusion of their cases.

32. NALSA's Compensation Scheme for Women Victims/Survivors of Sexual Assault/ other Crimes- 2018 was drafted in compliance of the direction given by the Hon'ble Supreme Court in the case of ***Nipun Saxena (Supra.)*** and the said scheme was approved by the Hon'ble Supreme Court with a direction to all the State Governments/UT Administrations to implement the same in their respective jurisdictions. The said scheme has been prepared to ensure financial relief and rehabilitation of women victims/survivors of sexual assault and other crimes. It provides for payment of interim and final compensation through State and District Legal Services Authorities. It also covers medical, psychological, educational and livelihood needs. The scheme mandates time bound disbursement and applies irrespective of conviction, with the objective of restoring dignity and supporting long-term rehabilitation.
33. Section 396 of BNSS, 2023 provides for preparation of scheme by every State Government in co-ordination with the Central Government to provide funds for the purpose of compensation to the victims or their dependents who have suffered loss or injury as a result of the crime and who require rehabilitation even without conviction of the offender or where the offender is not traced or identified.

34. The Government of India has also created a fund namely 'Nirbhaya Fund' which can be utilized for implementation of initiatives aimed at enhancing the safety and security of women. It is a non-lapsable corpus fund being administered by the Department of Economic Affairs under the Ministry of Finance. The Ministry of Women and Child Development (MWCD) acts as the nodal agency for appraising, reviewing and recommending the specific safety schemes and the projects to be funded. The MWCD has the further responsibility to review and monitor the progress of sanctioned schemes in conjunction with the concerned Ministries/Departments.

Suggestions of Amicus Curiae:

35. Learned Amicus Curiae has suggested that the State of Jharkhand may consider to amend its Victim Compensation Scheme to ensure minimum assured compensation for rape survivors, payable in structured stages covering immediate relief, medical treatment and long-term rehabilitation. The State Government should also ensure disbursement of interim compensation within 15 days from the date of registration of the FIR, irrespective of the outcome of the criminal trial. Final compensation may be released within 30 days of conviction or acquittal, subject to the assessment of the survivor's needs and in accordance with Section 396 of BNSS, 2023. The rape survivors should be provided free medical treatment, psychological counselling, and legal aid from the date of reporting of the offence through the

designated government medical institutions and legal services authorities.

36. It has further been suggested that the State should frame a Standard Operating Procedure (SOP) prescribing a maximum time limit of six months for completion of trial in rape cases, subject to unavoidable circumstances being recorded in writing by the trial court. Quarterly monitoring of Fast Track Special Courts dealing with sexual offence cases in Jharkhand may be undertaken to ensure adherence to prescribed timelines. The State should also place annual compliance reports before this Court detailing the number of registered cases, compensation awarded and disbursed, timelines followed in disposal of the registered cases as well as pendency status of the cases.
37. In view of the statutory mandate under Section 396 BNSS, the victim-centric framework of the NALSA Compensation Scheme, 2018, and the binding directions of the Hon'ble Supreme Court given in the case of ***Nipun Saxena (Supra.)***, it is suggested that this Court may direct all the Sessions and Special Courts to mandatorily consider and pass compensation orders as part of the final judgment itself, without requiring any separate application from the concerned victim.

Observations of the Court:

38. The concerned courts dealing with the cases relating to sexual offences shall, immediately upon receipt of information regarding commission of such offences by registration of FIR, make an enquiry as to the immediate needs of the victims for interim relief

or rehabilitation and upon giving an opportunity of hearing to the parties, pass appropriate order for interim compensation and/or rehabilitation of the victims. After conclusion of the case, irrespective of the fact that it ends in acquittal or conviction of the accused or even if the accused is not traced or has absconded, the trial court shall award just and reasonable compensation in favour of the victims for the loss or injury suffered by them due to commission of the offence. The quantum of the compensation shall be fixed taking into consideration the loss and injury suffered by the victim. The compensation, whether interim or final, awarded to the victim, shall be paid to her by the concerned authority within 30 days from the date of passing of the order.

39. The Courts dealing with the sexual offences are directed to try the cases by strictly adhering to the timeline provided under Section 346 of the BNSS, 2023 which provides that the inquiry or trial relating to an offence under Section 64, Section 65, Section 66, Section 67, Section 68, Section 70 or Section 71 of the Bharatiya Nyaya Sanhita, 2023 shall be completed within a period of two months from the date of filing of the chargesheet. After commencement of the trial, no unnecessary adjournment shall be granted to the accused and when the witnesses are in attendance, no adjournment or postponement shall be granted without examining them, except for any special reason to be recorded in writing.

40. The Director General of Police or the officer of the equivalent rank of the State of Jharkhand is directed to constitute a Special Task Force in the cases of sexual offences which shall ensure that the investigation is properly conducted and the witnesses are produced on the date fixed before the trial courts without taking unnecessary adjournment. Quarterly monitoring of the cases of sexual offences must be undertaken by the Director General of Police of the State to ensure adherence to the prescribed timelines.

Re. Issue No.4: The concerned respondent authorities to provide free education to the minor children born out of the rape incidents.

41. Article 21A of the Constitution of India mandates that the State shall provide free and compulsory education to all children, aged six to fourteen years in such manner as the State may, by law, determine.
42. The Right of Children to Free and Compulsory Education Act, 2009 also mandates free and compulsory education to all children between the age group of 6-14 years, extending protection to children belonging to dis-advantaged groups and vulnerable backgrounds ensuring dignity, equality and inclusion.
43. The Integrated Child Protection Scheme (ICPS) is implemented as a centrally Sponsored Scheme based on Government- Civil Society partnership under the overarching direction and responsibility of the Ministry of Women & Child Development, Government of India and the State Governments which provides a holistic framework for protecting children in difficult

circumstances by integrating services across health, education, police, judiciary, labour, and social welfare sectors. It emphasizes preventive support including sponsorship to vulnerable families so as to keep children in school and to save them from child labour, marriage or exploitation. At the grassroots, the Block Level and village Level Child Protection Committees chaired by elected representatives and supported by the District Child Protection Units (DCPUs.), Integrated Child Development Services (ICDS) staff and the community members, are assigned with the duty of recommending, coordinating and monitoring child protection services as well as ensuring effective inter-sectoral collaboration.

Suggestions of Amicus Curiae:

44. According to the learned Amicus Curiae, while the Act, 2009 covers the children aged 6-14 years, the Court may direct the State to provide free education up to Class XII (age 18) for the children born out of sexual offences, similar to the directions issued by the Rajasthan High Court in its orders dated 17.01.2024 and 25.04.2025 passed in the case of ***Victim vs. State of Rajasthan & Ors. [S.B. Civil Writ Petition No. 821 of 2024]***. The State may be explicitly directed to ensure that these children must be included in all educational support schemes (mid-day meals, scholarships, transport subsidy, uniforms/ stationery etc.) without discrimination.
45. It is further suggested that an order may be passed for appointment of nodal officers at the district education offices to

facilitate enrolment, transfer certificates and tracking of attendance for these children to prevent drop-outs. Moreover, periodic reporting directly to this Court should be ensured on the status of education enrolment, retention and progression of children up to Class XII (age 18).

46. It is also suggested that in view of Article 21-A of the Constitution of India and the Act, 2009, the Chief Secretary of the State and the Secretary, Department of Education may be directed to ensure automatic enrolment and uninterrupted free education in government schools or under the 25% RTE quota in private schools for the children born from the rape survivors. Considering their vulnerability, the State should be directed to extend educational support beyond the age of 14 years i.e. at least till completion of schooling.
47. Free and compulsory education is not merely a statutory benefit but a constitutional right that serves to break the cycle of marginalization of vulnerable children, including those born out of sexual crimes.

Observations of the Court:

48. We are convinced with the said suggestions given by the learned Amicus Curiae. The State Government is thus directed to appoint nodal officers in every district to ensure that free and compulsory education is imparted to the children born out of rape incidents till Class XII. The nodal officers shall also ensure that those meritorious students, who are later on selected in premier government institutes like IITs, NITs, AIIMs or IIMs etc., are

provided scholarships by the State Government. The nodal officer shall also monitor the compliance of the directions given by this court and if any difficulty is faced by such children, he shall communicate the matter to the Secretary, Department of School Education and Literacy, Government of Jharkhand so as to ensure that the same is resolved without any undue delay.

Re. Issue No.5: The concerned respondent authorities to instruct the media not to disclose the identity of rape victims.

49. Section 23 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 provides that the media shall not disclose the identity of a child including the name, address, photograph, family details, school, neighborhood or any other particulars which may lead to disclosure of identity of the child unless the Special Court, competent to try the case under the Act, for the reasons to be recorded in writing, , may permit such disclosure, if in its opinion such disclosure is in the interest of the child. It further provides that the publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of its employee and shall be liable to be punished with imprisonment of either description for a period which shall not be less than six months but may extend to one year or with fine or with both.
50. Section 72 of the BNS, 2023 provides that whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under Section 64 or Section 65 or Section 66 or Section 67 or Section 68 or Section

69 or Section 70 or Section 71 is alleged or found to have been committed (i.e., the victim), shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

51. In the case of ***Nipun Saxena (Supra.)***, the Hon'ble Supreme Court has held as under:

"50. In view of the aforesaid discussion, we issue the following directions:

50.1. No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.

50.2. In cases where the victim is dead or of unsound mind the name of the victim or her identity should not be disclosed even under the authorisation of the next of kin, unless circumstances justifying the disclosure of her identity exist, which shall be decided by the competent authority, which at present is the Sessions Judge.

50.3. FIRs relating to offences under Sections 376, 376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB or 376-E IPC and the offences under Pocso shall not be put in the public domain.

50.4. In case a victim files an appeal under Section 372 CrPC, it is not necessary for the victim to disclose his/her identity and the appeal shall be dealt with in the manner laid down by law.

50.5. The police officials should keep all the documents in which the name of the victim is disclosed, as far as possible, in a sealed cover and replace these documents by identical documents in which the name of the victim is removed in all records which may be scrutinised in the public domain.

50.6. All the authorities to which the name of the victim is disclosed by the investigating agency or the court are

also duty-bound to keep the name and identity of the victim secret and not disclose it in any manner except in the report which should only be sent in a sealed cover to the investigating agency or the court.

50.7. An application by the next of kin to authorise disclosure of identity of a dead victim or of a victim of unsound mind under Section 228-A(2)(c) IPC should be made only to the Sessions Judge concerned until the Government acts under Section 228-A(1)(c) and lays down criteria as per our directions for identifying such social welfare institutions or organisations.

50.8. In case of minor victims under Pocso, disclosure of their identity can only be permitted by the Special Court, if such disclosure is in the interest of the child.

50.9. All the States/Union Territories are requested to set up at least one "One-Stop Centre" in every district within one year from today."

Suggestions of Amicus Curiae"

52. Learned Amicus Curiae has suggested that in view of the statutory provisions under Section 72 BNS, 2023 and Section 23 of the POCSO Act along with the judgement of Supreme Court rendered in the case of ***Nipun Saxena (Supra.)***, this Court may issue mandatory restraint orders prohibiting all forms of media including digital and social media platforms from disclosing, directly or indirectly, the identity of rape/sexual assault victims. An order may be issued for sealed handling of all court records and police documents containing victim identity as well as these records should be kept in sealed covers issuing redacted versions for public access, as per the Hon'ble Supreme Court's directions. Moreover, standardised reporting guidelines should be issued to media regulators and authorities requiring them to publish only

anonymised descriptions (e.g., "Victim A"), in accordance with statutory protections

53. It is further suggested that the Director General of Police may be directed to issue a circular mandating non-disclosure of victim's identity during FIR, charge-sheet preparation or recording of statements, the non-compliance of which may be treated as dereliction of duty, warranting departmental action.

Observations of the Court:

54. In view of the judgment of the Hon'ble Supreme Court rendered in the case of ***Nipun Saxena (Supra.)*** as well as the statutory provisions of the POCSO Act, 2012 and BNS, 2023, the disclosure of the name or identity of the rape victim either in media or in any court records or even by any person, is prohibited. Appropriate punishment has been prescribed for non-compliance of the aforesaid statutory and legal provisions. All the documents in which the name of the victim has been disclosed, shall be kept in sealed cover and the name of the victim must be removed in all the records which may be scrutinised in the public domain.
55. We are of the view that the said mandatory provisions as well as the directions of the Hon'ble Supreme Court issued in the case of ***Nipun Saxena (Supra.)*** are required to be mandatorily followed by the media personnel, police officials and even the trial courts. All officers and other staff responsible for its non-compliance will be subjected to departmental proceeding followed by penal action. The DGP shall ensure strict compliance of the aforesaid provisions and take appropriate departmental

action against the erring persons. Periodical training programme will be arranged by the State Government for the police officials who are dealing with the cases of sexual offences. The Principal District and Sessions Judges of the concerned districts shall also ensure strict compliance of the said provisions within the courts.

Re. Issue No.6: The concerned police personnel to treat the rape victims with human feelings, harassment free behaviour as well as to ensure time bound investigation of their cases while safeguarding them from the accused persons.

56. Section 193 of the BNSS, 2023 provides that the investigation in relation to an offence committed under Sections 64, 65, 66, 67, 68, 70, 71 of the Bharatiya Nyaya Sanhita, 2023 or under Sections 4, 6, 8 or Section 10 of the POCSO Act, 2012 shall be completed within two months from the date on which the information was recorded by the officer-in-charge of the concerned police station.
57. Section 19 (5) of the POCSO Act delineates that where the Special Juvenile Police Unit or the local police is satisfied that the child against whom an offence has been committed is in need of care and protection, then, it shall, after recording the reasons in writing, make immediate arrangement to provide such care and protection including admitting the child into shelter home or to the nearest hospital within twenty-four hours of the report, as may be prescribed.
58. Sub- Section (6) of Section 19 of the POCSO Act enumerates that the Special Juvenile Police Unit or the local police shall, without unnecessary delay but within a period of twenty-four hours, report the matter to the Child Welfare Committee and the Special

Court or where no Special Court has been designated, to the Court of Session, including the need of the child for care and protection and the steps taken in this regard.

59. Section 24 of POCSO Act reads as under:

"24. (1) The statement of the child shall be recorded at the residence of the child or at a place where he usually resides or at the place of his choice and as far as practicable by a woman police officer not below the rank of sub-inspector.

(2) The police officer while recording the statement of the child shall not be in uniform.

(3) The police officer making the investigation, shall, while examining the child, ensure that at no point of time the child come in the contact in any way with the accused.

(4) No child shall be detained in the police station in the night for any reason.

(5) The police officer shall ensure that the identity of the child is protected from the public media, unless otherwise directed by the Special Court in the interest of the child."

60. Para 120.7 of the judgment rendered in the case of ***Lalita Kumari Vs. Government of Uttar Pradesh and Others reported in (2014) 2 SCC 1*** was subsequently modified vide order passed in ***Lalita Kumari Vs. Government of Uttar Pradesh & Others, reported in (2023)9 SCC 695*** by observing as under:-

"120.7 While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time-bound and in any case it should not exceed fifteen days generally and in exceptional cases, by giving adequate reasons, six weeks' time is provided. The fact of such delay and the causes of it must be reflected in the General Diary entry."

61. In the case of ***Delhi Domestic Working Women's Forum vs. Union of India & Others, reported in (1995)1 SCC 14***, the Hon'ble Supreme Court has held thus:-

"15. In this background, we think it necessary to indicate the broad parameters in assisting the victims of rape.

(1) The complainants of sexual assault cases should be provided with legal representation. It is important to have someone who is well-acquainted with the criminal justice system. The role of the victim's advocate would not only be to explain to the victim the nature of the proceedings, to prepare her for the case and to assist her in the police station and in court but to provide her with guidance as to how she might obtain help of a different nature from other agencies, for example, mind counselling or medical assistance. It is important to secure continuity of assistance by ensuring that the same person who looked after the complainant's interests in the police station represent her till the end of the case.

(2) Legal assistance will have to be provided at the police station since the victim of sexual assault might very well be in a distressed state upon arrival at the police station, the guidance and support of a lawyer at this stage and whilst she was being questioned would be of great assistance to her.

(3) The police should be under a duty to inform the victim of her right to representation before any questions were asked of her and that the police report should state that the victim was so informed.

(4) A list of advocates willing to act in these cases should be kept at the police station for victims who did not have a particular lawyer in mind or whose own lawyer was unavailable.

(5) The advocate shall be appointed by the court, upon application by the police at the earliest convenient moment, but in order to ensure that victims were questioned without undue delay, advocates would be

authorised to act at the police station before leave of the court was sought or obtained.

(6) In all rape trials anonymity of the victim must be maintained, as far as necessary.

(7) It is necessary, having regard to the Directive Principles contained under Article 38(1) of the Constitution of India to set up Criminal Injuries Compensation Board. Rape victims frequently incur substantial financial loss. Some, for example, are too traumatised to continue in employment.

(8) Compensation for victims shall be awarded by the court on conviction of the offender and by the Criminal Injuries Compensation Board whether or not a conviction has taken place. The Board will take into account pain, suffering and shock as well as loss of earnings due to pregnancy and the expenses of child birth if this occurred as a result of the rape."

Suggestions of Amicus Curiae

62. The learned Amicus Curiae has suggested that this Court may direct the state police authorities to strictly enforce victim-centric, non-harassing conduct and to ensure time-bound investigation with recorded reasons regarding any delay as well as to provide immediate protection to victims from intimidation or threat. Moreover, police personnel should be given regular human rights training and sensitisation to handle rape victims with dignity. They should show a more empathetic approach while dealing with the cases of sexual assault. Data-driven review of police compliance and public awareness of victims rights along with periodic compliance reports should be submitted by senior police officers, and any lapse or non-compliance must attract departmental and penal accountability under Section 199 BNS,

ensuring rigorous supervisory oversight and safeguarding the rights and dignity of victims during investigation and trial. Protective shelter, witness protection, and support services should be available for victims immediately after registration of FIR.

Observations of the Court:

63. The police officers are directed to complete the preliminary investigation of rape cases within fifteen days. The investigation of the rape case must be completed within two months from the date on which the information is recorded by the officer-in-charge of the concerned police station. Immediate legal aid must be provided to the victims by trained lawyers who will interact with the victims with all sensitivity and not as mere clients. He should guide the victims as to how they may get help of different kinds, such as psychological, emotional counselling or medical assistance from specialised agencies. Immediate care and protection should be extended to the victims under POCSO Act within 24 hours of the incident which includes admitting them into shelter home and their medical examination. It is also the responsibility of the concerned police officers to deal with the victims of rape with all sensitivity. The statement of the victims should preferably be recorded by a woman police officer not below the rank of sub-inspector. Proper training should be given to the police personnel dealing with such type of cases and periodical sensitization programme must be conducted for their proper training. The police should ensure that friendly

environment is given to the victims of rape while recording their statements so that they are in a position to narrate true facts without any inhibition. No force or pressure should be applied to them while recording their statements.

Re. Issue No.7: The concerned respondent authorities must not conduct 'two-finger test' during medical examination of the rape victims.

64. In the case of ***Lillu @ Rajesh & Another v. State of Haryana, reported in (2013) 14 SCC 643***, the Hon'ble Supreme Court has held that the two-finger test and its interpretation violates the right of rape survivors to privacy, physical as well as mental integrity and dignity. This test, even if the report is affirmative, cannot ipso facto, give rise to a presumption of consent.
65. In the case of ***State of Jharkhand v. Shailendra Kumar Rai @ Pandav Rai, reported in (2022) 14 SCC 299***, the Hon'ble Supreme Court has held that a woman's sexual history is wholly immaterial while adjudicating whether the accused raped her. Their Lordships have further held that section 53-A of the Evidence Act also provides that the evidence of a victim's character or of her previous sexual experience with any person shall not be relevant to the issue of consent or the quality of consent in prosecutions of sexual offences. The Ministry of Health and Family Welfare, Government of India has issued guidelines and protocols on 19.03.2014 named as "Medico-legal Care for Survivors/Victims of Sexual Violence" to ensure a sensitive, standardized and right based approach to medical examination and treatment, which mandates that "per vaginum examination"

commonly referred to by lay persons as “two-finger test”, must not be conducted for establishing rape/sexual violence as the same is strictly prohibited and the size of the vaginal introitus has no bearing on a case of sexual violence. Their Lordships have directed the Union Government as well as the State Governments to ensure that the guidelines formulated by the Ministry of Health and Family Welfare, Government of India must be circulated to all concerned including private hospitals as well as to conduct workshops for health providers to make them aware of the appropriate procedure to be adopted while examining survivors of sexual assault and rape. Further direction is to review the curriculum in medical schools with a view to ensuring that the “two-finger test” or “per vaginum examination” is not prescribed as one of the procedures to be adopted while examining the survivors of sexual assault and rape.

66. Lastly, Their Lordships have directed that any person who conducts “two-finger test” or “per vaginum examination” in contravention of the directions of the Court shall be guilty of misconduct.

Suggestion of Amicus Curiae:

67. Learned Amicus Curiae has suggested that this Court may direct the Department of Health, Medical Education and Family Welfare, Government of Jharkhand to completely prohibit the use of “two-finger test” in all hospitals, medical colleges and other health care providers with clear guidelines regarding Trauma-informed Care

(TIC) approach towards the sexual assault survivors including their medical examination in a dignified way.

68. The State of Jharkhand must issue binding circular/SOP prohibiting the said test in all government and private hospitals, conducting mandatory training and sensitisation of doctors, forensic experts, and police officials. Any violation of these directives should be treated as professional misconduct, attracting action under the relevant medical and disciplinary statutes, thereby safeguarding the victim's rights to dignity, privacy and bodily integrity.

Observations of the Court:

69. In view of the aforesaid judicial pronouncement and legal provisions, it is no more *res integra* that "two-finger test" conducted during medical examination of sexual assault victims has been strictly prohibited and medical examination of such victims in the hospitals/medical institutions must be conducted in a dignified manner in accordance with law.
70. We accept the suggestions of the learned Amicus Curiae. Accordingly, the State of Jharkhand is directed to issue circular prohibiting the "two finger test" in all government and private hospitals/medical institutions with a further direction that any violation of the said Circular will be treated as professional misconduct and the erring person will be liable to be strictly dealt with in accordance with law.

Re. Issue No.8: The concerned respondent authorities to organize legal and physical awareness programme in school and

college level as well as in the village areas to make girls/women capable of protecting themselves in any such untoward incident.

71. Section 43 of The POCSO Act provides as under:

"43. Public awareness about Act. -The Central Government and every State Government, shall take all measures to ensure that-

(a) the provisions of this Act are given wide publicity through media including the television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians aware of the provisions of this Act;

(b) the officers of the Central Government and the State Governments and other concerned persons (including the police officers) are imparted periodic training on the matters relating to the implementation of the provisions of the Act."

72. Section 4 of The Legal Services Authorities Act, 1987 reads as follows:-

"4. (e) organise legal aid camps, especially in rural areas, slums or labour colonies with the dual purpose of educating the weaker sections of the society as to their rights as well as encouraging the settlement of disputes through Lok Adalats."

73. 'Rani Laxmi Bai Aatma Raksha Prashikshan (RAKSHA)' under the "Samagra Shiksha Scheme" provides for the self-defence training component under the "India's Flagship Integrated School Education Programme". Under the said Scheme, self-defence training is imparted to girls students of class VI to XII in the government schools/Kasturba Gandhi Balika Vidyalayas (KGBVs.) to ensure their safety, security and empowerment. Moreover, self-defence training is provided to the girls students of the said classes for three months and fund is provided for this purpose

which has been increased from Rs.3,000/- to Rs.5,000/- per school per month. The girls are trained to use everyday articles such as, Key chain, dupatta, Stole, mufflers, bags, pen/ pencil, notebook etc. as weapons of opportunity/improvised self-defence weapons for their safety. The States and UTs may also look for convergence of funds for self-defence training under the "Nirbhaya Fund" financed by the Ministry of Women and Child Development, Government of India with the similar funds resourced under the Police Department, Home Guards, NCC and other State Government Schemes.

Suggestions of Amicus Curiae:

74. Learned Amicus Curiae submits that prevention through awareness is an integral part of Article 21 of the Constitution of India for protection of women and children and the State has a constitutional duty to ensure such awareness. The POCSO Act, 2012 casts a positive obligation on the State to educate children, parents and institutions regarding sexual safety and reporting mechanisms.
75. It is suggested that the Legal Services Authorities are statutorily empowered to conduct legal literacy and awareness programmes and should be directed to do so regularly at school, college and village levels. Awareness programmes must include age-appropriate education on "good touch"- "bad touch" personal boundaries, the right to say 'NO', and child-friendly explanation of POCSO protections, beginning from the primary school level.

76. It is further suggested that village-level outreach is essential, as rural women and girls are particularly vulnerable. Thus the programmes at village level should include street plays, audio-visual tools and Gram Sabha sessions. Effective implementation requires inter-departmental coordination among the Departments of Education, Police, Women & Child Development and Health as well as engagement of Legal Services Authorities and experienced NGOs.
77. It is also suggested that in view of the existing government schemes namely, "Samagra Shiksha Abhiyan" and "Mission Shakti", this Court may direct the State to institutionalise periodic legal awareness and physical self-defence programmes at school, college, and village levels.

Observations of the Court:

78. We accept the aforesaid suggestions given by the learned Amicus Curiae. Accordingly, we direct the State Government to institutionalise periodic legal awareness and physical self-defence programmes at school, college, and village levels. It appears from the record that the self-defence training under the 'Rani Laxmi Bai Aatma Raksha Prashikshan (RAKSHA)' is given to the girls students of Class-VI to XII enrolled in Government Schools/Kasturba Gandhi Balika Vidyalayas for which fund is provided @ Rs.5,000/- per school per month for a period of three months, which in our opinion, needs to be enhanced and proper utilization of the said fund should be regularly scrutinized. The legal awareness programme should be organized in a manner

which is easily understood by the girls residing in remote areas. The said programme should also include street plays or audio-visual tools etc.

Re. Issue No.9: The concerned respondent authorities to provide job oriented training facilities for livelihood of the rape victims.

Suggestions of Amicus Curiae:

79. Learned Amicus Curiae submits that financial rehabilitation is essential for livelihood/survival of rape victims which forms part of the right to life under Article 21 of the Constitution of India. It is urged that this Court may direct the State Government to provide employment or placement assistance to the victims in government/private sectors or through skill development programmes. Employment support should be flexible and victim-centric considering safety, location and trauma. The Jharkhand State Legal Services Authority should act as a crucial bridge between the rape survivors and the employers. The Department of Women and Child Development has to ensure smooth job placements by facilitating co-ordinated rehabilitation and creating specialized referral pathways. Vocational training, skill development and counselling must be mandatory components before employment placements.
80. It is further suggested that directions may be issued to the State Government and the Jharkhand Legal Services Authority to formulate a structured livelihood and employment facilitation framework for rape survivors as a part of long-term rehabilitation.

Observations of the Court:

81. We endorse the suggestions of the learned Amicus Curiae. The State Government is, thus, directed to formulate and implement a scheme for providing employment or placement assistance to the rape victims in government/private sectors or through skill development programmes. The state government should ensure that the benefit of the said scheme is extended to the rape victims without any unreasonable delay.

ADDITIONAL ISSUES RAISED BY AMICUS CURIAE:

Re. Issue 10: The concerned respondent authorities to provide immediate, free and long-term psychological counselling, trauma-informed mental health care, and rehabilitation services to rape/sexual assault survivors through trained professionals.

Suggestion of Amicus Curiae:

82. The learned Amicus Curiae has urged that in view of the judgements delivered by Hon'ble Supreme Court acknowledging the psychological trauma suffered by rape survivors, this Court may issue directions to the State to ensure immediate, free and long-term trauma-informed psychological counselling and mental health care for all the rape and sexual assault survivors through trained professionals. Such counselling may be directed to commence within 24-72 hours of reporting the incident and to continue for an adequate duration based on individual clinical assessment, without arbitrary cut-offs.

Observations of the Court:

83. We approve the suggestions given by the learned Amicus Curiae. Accordingly, the State Government is directed to implement the same without any delay. We are also of the view that the issue

regarding rehabilitation of the rape victims needs to be emphasized. We are pained to observe that in certain situations, the rape victims are subjected to social ridicule as if they are the accused. In some cases, the victims are socially ostracized causing immense difficulty including psychological distress to the victims and their family. Even the family members of the victims have to suffer due to the incident of rape. There are also the cases where the victims and their family members face difficulty in residing at their original place of residence due to indifferent attitude of the neighbours compelling them to leave the said place. This requires social sensitization. We are hopeful that victim blaming public attitude will gradually change. However, if the victims and their family members want to shift from their place of residence to some other place, the State must have a mechanism to rehabilitate them at a place they wish to reside.

Re. Issue No.11: The concerned respondent authorities should establish and publicise a single 'Universal Emergency Helpline' for Women and Sexual Violence Survivors.

84. Learned Amicus Curiae submits that the scheme of Universalisation of Women Helpline (WHL) has been initiated by the Ministry of Women and Child Development, Government of India which is intended to provide 24 hours immediate and emergency response to women affected by violence through referral to the appropriate agencies like police authorities, hospitals, ambulance services, District Legal Services Authority (DLSA), Protection Officer (PO) and One-Stop Centres (OSC). It also contains information about women related government

schemes/programs across the country through a single uniform number. Under the said Scheme, the States/UTs have to utilise or augment their existing women helplines through a dedicated single national number. The Department of Telecommunication, Government of India has allocated short code 181 to all States/UTs which is being used by some States/UTs such as Delhi, Chandigarh, Chhattisgarh as Women Helpline. Under this Scheme, States/UTs need to adopt this short code 181 as Women Helpline. The idea behind it is that this number would be compatible with all the existing telecommunication channels whether providing post/pre-paid mobile or landline services through any public or private network i.e. GSM, CDMA, 3G, 4G etc. All the state/ district/ city level helplines, whether private or public, would be integrated with this women helpline.

85. It is further submitted that Emergency Response Support System (ERSS) is a Pan-India single number (112) based emergency response system for citizens in emergencies. Each State/ UT is required to designate a dedicated Emergency Response Centre (ERC) to handle emergency requests when any citizen requires emergency assistance from Police, Fire & Rescue, Health and other services.

Suggestions of Amicus Curiae:

86. Learned Amicus Curiae has suggested that in spite of the acknowledged existence of multiple emergency response mechanisms namely the Women Helpline (181) under the Ministry of Women & Child Development and the Emergency

Response Support System (112) under the Ministry of Home Affairs, Government of India, the continuing confusion and access gaps are faced by women and sexual violence survivors. As such, this Court may issue directions to the Chief Secretary, Government of Jharkhand and the Principal Secretaries of the Departments of Home as well as Women & Child Development, Government of Jharkhand to ensure functional integration and clear demarcation of roles between the helpline numbers 181 and 112. The State may be directed to designate the number 181 as the primary, women-centric helpline for sexual violence, domestic abuse and gender-based emergencies with automatic back-end linkage to the helpline number 112 for immediate police, medical and rescue response.

87. Additionally, the "112 India" App should be made popular among women through targeted awareness campaigns. Moreover, clear guidance on its effective use should be widely disseminated to ensure timely access to emergency assistance.

Observations of the Court:

88. The State Government is directed to look into the aforesaid suggestions given by the learned Amicus Curiae and take steps to designate the number '181' (i.e. women-centric helpline for sexual violence, domestic abuse and gender-based emergencies) as the primary helpline number, with automatic back-end linkage to the helpline number '112' which is the emergency response support system for immediate police, medical and rescue response.

89. In view of the discussions and observations made hereinabove, the directions of this court on the issues raised in the present PIL are summarized as under:-

- (i) The Director General of Police, Jharkhand, is directed to ensure strict compliance of the provisions of Section 173 of the BNSS, 2023 and for that purpose, to issue necessary directions to all the police stations as well as to make periodical monitoring to see the compliance thereof. In the event of any police officer failing to comply with the directions, appropriate steps shall be taken for initiation of penal as well departmental action against such erring officer in accordance with law. The State Government is further directed to arrange periodic sensitisation programmes for police personnel to ensure effective implementation of the legal mandate relating to Zero FIRs.
- (ii) The Secretary, Department of Women, Child Development and Social Security, Government of Jharkhand is directed to cure all the shortcomings and lapses existing in the 'One-Stop Centres' as pointed out by the learned Amicus Curiae without further delay. A women-headed committee shall be constituted by the said department to receive the complaints regarding functioning of 'One-Stop Centres' and to supervise operations of the said centres by assessing adequacy and quality of services so as to ensure victim-centric delivery. The Committee shall submit annual compliance and performance reports to the Secretary of

the said department. In the event of any failure in providing adequate and quality service in the 'One-Stop Centres', the persons responsible shall be liable for departmental/penal action.

- (iii) The Department of Women, Child Development and Social Security, Government of Jharkhand is directed to use "Nari Niketan" (Shakti Sadan) at Ranchi also as shelter home for the female victims of sexual violence without fixing any maximum time limit for stay at that place, rather the victims shall be allowed to stay there considering the facts and circumstance of a particular case.
- (iv) The Department of Women, Child Development and Social Security, Government of Jharkhand is directed to widely and regularly publicize the purpose, location and contact details of the shelter homes/rehabilitation centres for women victims through all means of communication viz. print media, electronic media, hoardings/LED display board at all public places.
- (v) The Department of School Education and Literacy, Government of Jharkhand is directed to appoint nodal officers in every district to ensure that free and compulsory education up to Class XII is given to the children born out of rape incidents. In addition, the said department shall provide scholarships to the meritorious children who are selected in top/premier government institutions like IITs., NITs., AIIMs. or IIMs. etc. The nodal officer shall monitor

the compliance of the direction of this court and if any problem is faced by such children, he shall communicate the Secretary of the said department, who shall promptly resolve the same.

- (vi) The courts dealing with the sexual offences are directed to inquire about the need of interim relief to be given to the victims of sexual offences immediately upon the receipt of information and to pass appropriate order accordingly. The trial courts are further directed to pass the order of final compensation to the victims at the time of passing the final judgment irrespective of it ending in acquittal or conviction of the accused or even in case the accused is not traced or has absconded. The quantum of compensation awarded to the concerned victims shall be just and reasonable taking into consideration the loss and injury suffered by them.
- (vii) The Department of Home, Jail & Disaster Management, Government of Jharkhand and Jharkhand Legal Services Authority are directed to pay the compensation, whether interim or final, as awarded by the trial court to the victim within a period of 30 days from the date of communication of the order.
- (viii) The Courts dealing with the sexual offences are directed to try the cases by strictly adhering to the timeline provided under section 346 of the BNSS, 2023 and no unnecessary

adjournment shall be granted to the accused after commencement of the trial.

- (ix) The Director General of Police, Jharkhand is directed to constitute a Special Task Force which shall quarterly monitor the cases of sexual offences and ensure adherence to the prescribed timelines by the prosecuting agencies so as to ensure that no unnecessary adjournment is taken by them during the trial.
- (x) All media personnels, police officials, officers and staff of the trial courts are directed to mandatorily follow the direction of the Hon'ble Supreme Court rendered in the case of ***Nipun Saxena (Supra.)***. The erring persons will be subjected to departmental proceeding as well as penal action by the competent authority of the concerned department.
- (xi) The Secretary, Department of Home, Jail & Disaster Management, Government of Jharkhand is directed to arrange training programme for the persons who are dealing with the cases of sexual violence. The Principal District and Sessions Judge of the concerned district shall also ensure strict compliance of the provisions of BNSS, 2023 within the courts.
- (xii) The police officers are directed to complete the preliminary investigation of rape cases within fifteen days and the final investigation within two months from the date on which

the information is recorded by the officer- in-charge of the concerned police station.

- (xiii) The Superintendent of Police of all the districts are directed to arrange immediate legal aid for the victims by trained lawyers who will deal with the victims with all sensitivity and not as mere clients. They should provide guidance to the victims as to how they would get help of various nature from different specialized agencies, such as emotional counselling or medical assistance etc. Immediate care and protection shall also to be extended to the victims under POCSO Act within 24 hours of the incident which shall include admitting the child into shelter home and her medical examination.
- (xiv) The Director General of Police, Jharkhand is directed to ensure that the statement of victims of sexual offences is recorded by female police officers.
- (xv) The Secretary, Department of Home, Jail & Disaster Management, Government of Jharkhand is directed to periodically arrange sensitization programme for imparting proper training to the police officers to ensure that friendly environment is given to the rape victims while recording their statements so that true facts are reflected in their statements. No force or compulsion is to be imposed on them while recording their statements.
- (xvi) The Department of Home, Jail & Disaster Management, Government of Jharkhand is directed to issue circular

prohibiting “two finger test” (if not yet issued) in all government and private hospitals/medical institutions with a further direction that violation of the said circular by any person including doctor and para medical staff will be treated as professional misconduct and the erring person will be subjected to departmental proceeding.

(xvii) The State Government is directed to institutionalise periodic legal awareness programme in a manner which is easily understandable to the girls residing in remote areas for which street plays or audio-visual tools may be used. The State Government is also directed to arrange physical self-defence programmes at the level of schools, colleges and villages without charging any fee from them.

(xviii) If due to any social reason, the rape victims and their family wish to shift their place of residence to some other place, the State shall have a mechanism to rehabilitate them at a place they wish to reside.

(xix) The State Government shall consider to designate the number ‘181’ (i.e. women-centric helpline for sexual violence, domestic abuse and gender-based emergencies) as the primary helpline number with automatic back-end linkage to the helpline number ‘112’ i.e. the emergency response support system for immediate police, medical and rescue response.

90. It is further clarified that the above directions are not exhaustive and are in addition to the observations made in different

preceding paragraphs. These shall, however, in no manner preclude the respondent authorities from taking additional measures to deal with the issues raised in the present PIL.

91. We appreciate the assistance given by the learned Amicus Curiae in the present PIL.
92. Let copies of this judgment be forthwith forwarded to all the concerned State authorities, the Principal District and Sessions Judges of all districts in the State of Jharkhand including the Judicial Commissioner, Ranchi; the Member Secretary, JHALSA; the Director, Judicial Academy Jharkhand; and the District Magistrates and the Superintendents of Police of all districts for immediate and necessary compliance. The institutional district heads are further directed to share this judgment with all Magistrates, whether Judicial or Executive, for their information and necessary action.
93. The present Public Interest Litigation is disposed of with the aforesaid observations and directions.
94. Pending I.As., if any, are also disposed of.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

8th June, 2026
Sanjay/
A.F.R.
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