

ITEM NO.45

COURT NO.7

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Criminal) No(s). 406/2023

TUSHAR GANDHI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH &amp; ORS.

Respondent(s)

(FOR ADMISSION and IA No.181890/2023-EXEMPTION FROM FILING  
AFFIDAVIT )

Date : 09-02-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Shadan Farasat, AOR  
Ms. Mreganka Kukreja, Adv.  
Ms. Hrishika Jain, Adv.  
Ms. Natasha Maheshwari, Adv.  
Mr. Aman Naqvi, Adv.  
Mr. Harshit Anand, Adv.  
Mr. Abhishek Babbar, Adv.

For Respondent(s) Mr. K.M. Nataraj, A.S.G.  
Mr. Sharan Dev Singh Thakur, A.A.G.  
Ms. Ruchira Goel, AOR  
Mr. Siddharth Thakur, Adv.  
Ms. Indira Bhakar, Adv.

Ms. Garima Prasad, Sr. A.A.G.  
Mr. Krishnanand Pandeya, AOR  
Mr. Sanjay Jain, Adv.  
Mr. Sarvesh Dubey, Adv.  
Ms. Ankita Kedia, Adv.

Ms. Pankhuri Shrivastava, Adv.  
Ms. Neelam Sharma, AOR  
Mr. Aryaman Sharma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

We have perused the report submitted by Tata Institute of  
Social Sciences (for short 'TISS'). In the report, very detailed

suggestions have been given by TISS about counselling of the other children, who were participants and witnesses in the corporal punishment incident.

We find from the affidavits filed on record that the State has not undertaken counselling of the other children, who were participants and witnesses in terms of the suggestions of TISS.

There was an element of urgency in counselling. We direct the State Government to immediately implement the suggestions in TISS report about the counselling of other children, who were participants and witnesses in the corporal punishment incident. Compliance affidavit shall be filed on or before 28.02.2024.

There are other directions issued in the order dated 25.09.2023 regarding implementation of the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (for short 'RTE Act') and Uttar Pradesh Right of Children to Free and Compulsory Education Rules, 2011 (for short 'the Rules'). We grant time of one month to the State to report compliance in terms of the said order.

For dealing with the issue of counselling, list on 01.03.2024.

(POOJA SHARMA)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)