

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

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

TUSHAR GANDHI

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

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

Date : 10-11-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

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.

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.
Mr. Adit Jayeshbhai Shah, Adv.
Mr. Sharanya Sinha, Adv.
Mr. Mustafa Sajad, Adv.
Ms. Keerti Jaya, Adv.

Mr. Rupesh Kumar, AOR
Ms. Pankhuri Shrivastava, Adv.
Ms. Neelam Sharma, Adv.
Mr. Aryaman Sharma, Adv.
Mr. Rajeev Sharma, Adv.

Mr. Sanjay Jain, Adv.
Mr. Krishnanand Pandeya, AOR
Ms. Ankita Kedia, Adv.

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

After having heard the learned counsel appearing for the parties, we find that the respondent-State of Uttar Pradesh and in particular, the Education Department has not complied with the various orders passed by this Court from time to time starting from 25th September, 2023. There is no proper counselling conducted of the victim child and other children involved in the incident.

To say the least, the approach of the respondent-State, as can be seen from the affidavits, regarding providing counselling facilities to the children is shocking.

We, therefore appoint Tata Institute of Social Sciences (TISS), Mumbai to suggest the mode and manner of extending counselling to the victim child and to the other children involved in the incident. The TISS will also suggest the names of the expert child Counsellors and other experts in the field available in the State who can do counselling under the supervision of TISS.

The Registry to forward a copy of this order to TISS, Mumbai.

We direct the State Government to provide all assistance and support to the TISS.

We request the TISS to submit a report to this Court before the next date.

The submission of the learned counsel appearing for the petitioner is that the State Government and especially, the Education Department is taking the issue of compliance with the directions of this Court very casually. Suffice it to say that there is a complete non-compliance by the State Government.

List on 11th December, 2023.

We direct the Principal Secretary of the Education Department, State of Uttar Pradesh to remain present either personally or virtually at the time of hearing. To avoid any strong action by the Court, we hope and trust that the Principal Secretary of the Education Department will personally look into the matter and will ensure that the directions issued by this Court are not only complied with in true letter and spirit, but also proper compliance affidavits are placed at least three days in advance before the next date fixed.

We permit the learned counsel appearing for the petitioner to supply a copy of this order to TISS to enable the TISS to act upon it.

Dasti service is allowed.

There is an assurance given by the learned counsel appearing for the respondent-State that the State will ensure that the child is admitted to Sharden Public School, Muzaffarnagar. The State will ensure that the expenditure on education of the child is taken care of under an appropriate Scheme of the State Government.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER