

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

EMG WP(C) PIL No.2/2020
(Through Video Conferencing)

Court on its own Motion

.....Petitioners

Through :- Ms. Monika Kohli, Amicus Curiae
(On Video Conferencing from her residence
at Jammu)

V/s

**Union Territories of Jammu & Kashmir
And Ladakh**

.....Respondent(s)

Through :- Mr. Amit Gupta, AAG
(On Voice Call from his residence at
Jammu) for UT of J&K

Mr. T. M. Shamshi, ASGI.
(On Voice Call from his residence at
Srinagar) for UT of Ladakh

HON'BLE THE CHIEF JUSTICE

(On Video Conference from High Court at Jammu)

Coram:

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

(On Video Conference from High Court at Jammu)

ORDER
13.05.2020

1. Pursuant to our last order, Member Secretary, Jammu and Kashmir State Legal Services Authority has filed a report dated 12th May 2020.
2. A report dated 12th May 2020 has also been filed by the Principal Secretary to the Government (Social Welfare Department), Union Territory of Jammu and Kashmir, which has been considered. The Social Welfare Department has examined the matter and has concluded that keeping in view

the circumstances prevalent in the Union Territory of Jammu and Kashmir, Anganwadi Workers are best suited to provide the first place of contact and 'One Stop Centers' for providing counselling, legal aid, medical aid, temporary shelters and Helpline 181 are ideal for tackling the menace of domestic violence at all times.

3. The Report discloses that there are 28000 Anganwadi Workers in the Union Territory of Jammu and Kashmir with their persons associated with each Panchayati Raj Institutions and Urban Municipal Wards. Every Anganwadi Center looks after approximately 400-500 households. These workers are tasked with providing supplementary nutrition and pre-school education to children at Anganwadi Centers. The Anganwadi Workers carry out surveys of all families, especially mothers and children in their respective area of work; make home visits in discharge of their duties and maintain liaison with other institutions including *Mahila Mandals*. All these would assist in mitigating all issues arising out of violence situations.

4. We are informed that 'One Stop Centers' are being developed in accordance with the Guidelines issued by the Government of India, Ministry of Women and Child Development. As per these Guidelines, first line workers such as Accredited Social Health Activists (ASHA) are involved for furthering the cause of women in distress. The Social Welfare Department discloses that there are about 11987 such workers functional at the ground level and manifest a diverse network of interaction with women in the communities of their area of work.

5. Additionally, after the passing of our orders dated 16th April 2020 and 28th April 2020, the Government of Jammu and Kashmir, Department of

Disaster Management Relief, Rehabilitation and Reconstruction vide order dated 25th April 2020 have directed as follows:

- (i) *Designated 10 beds in each district quarantine center exclusively for domestic violence in compliance to the directions of this court.*
- (ii) *Additional 5 beds in district quarantine center have been reserved for other victims of violence – children, transgender, elderly and persons with disabilities.*
- (iii) *Also funds up to Rs.10.00 per district out of SDRF have been allocated for victims of Domestic Violence.*
- (iv) *Rs.2.00 lacs per district out of SDRF have been allocated for victims of violence i.e. children, transgender and elderly persons.*

6. It would appear that the respondents have taken substantial steps to mitigate the sufferings of victims of domestic violence including women, elderly persons, children and transgenders.

7. We may note that the Social Welfare Department has examined the efficacy of pharmacies and grocery stores as the first point of contact for victim of domestic violence and have found that these businesses form part of the unorganized economic sector and their approachability and viability as the first point of contact is gravely doubtful so far as Union Territory of Jammu and Kashmir is concerned.

8. In the report submitted by the Member Secretary, JKSLSA, report regarding litigation in 20 districts has been submitted. In many cases, orders of maintenance appear to have been passed, but the complainants have not received payments of maintenance on account of lockdown. The maintenance would have been awarded so as to enable the complainants to meet their

essential needs and deserves to be regularly made available. Efforts should be made by the District Legal Services Authorities to ascertain the welfare of the persons who had sought maintenance and those granted may be in need of assistance.

9. The Jammu and Kashmir State Legal Services Authority should continue to assist all needy people in terms of the several programs being pursued by it.

10. The Department of Social Welfare shall ensure that wide publicity is given with regard to schemes identified for assisting the victims of domestic violence including women, elderly persons, child abuse and transgenders so that they are made aware of the availability of the assistance.

11. Mr. T. M. Shamshi, learned ASGI shall submit a report regarding the mechanism which has been evolved in Ladakh to meet the needs of victims of domestic violence, elder abuse, child violence and violence against transgenders.

Let the report be filed before the next date.

List the matter on 20th May 2020.

(RAJNESH OSWAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
13.05.2020
Raj kumar