



W.P(MD)No.6163 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.6163 of 2018

B.Karthee

... Petitioner

VS.

- 1.Union of India represented by,
The Principal Secretary,
Ministry of Women and Child Development,
Government of India,
Shastri Bhavan, New Delhi.
- 2.Union of India represented by,
The Principal Secretary,
Ministry of Home Affairs,
Government of India, North Block,
Cabinet Secretariat,
Raisina Hill, New Delhi.
- 3.Union of India represented by,
The Principal Secretary,
Ministry of Railway,
Government of India,
Rail Bhavan, No.1, Raisina Road,
New Delhi 110 001.



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4.The State of Tamil Nadu represented by,
The Principal Secretary,
Social Welfare and Nutritious Meal Programme,
Fort St.George,
Chennai - 600 009.

5.The State of Tamil Nadu represented by,
The Principal Secretary,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

6.The General Manager of Southern Railway,
First Floor, NGO Main Building,
Southern Railway,
Park Town,
Chennai - 600 003.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to take immediate action to use the Nirbhaya Fund towards victim compensation and implement all Central Government schemes One Stop Centre Scheme, Helpline specifically for women, Mahila Police Volunteers (MPVs), Emergency Response Support System (ERSS), Central Victim Compensation Fund and Railways Integrated Emergency Response Management System under Nirbhaya Fund in the State of Tamil Nadu within the time stipulated by this Court.



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For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.V.Malaiyendran for R.1 & R.2
	: Mr.K.R.Laxman for R.3 & R.6
	: Mr.P.Thilak Kumar Government Pleader for R.4 & R.5

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the respondents to take immediate action to use the Nirbhaya Fund towards victim compensation and implement all Central Government schemes One Stop Centre Scheme, Helpline specifically for women, Mahila Police Volunteers (MPVs), Emergency Response Support System (ERSS), Central Victim Compensation Fund and Railways Integrated Emergency Response Management System under Nirbhaya Fund in the State of Tamil Nadu within the time stipulated by this Court.



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2.The Central Government every year allot a special fund called 'Nirbhaya Fund' towards victim compensation and implements various welfare schemes for the protection and well-being of women in this Country.

3.Such kind of fund is being allotted to every State Government where the stakeholders, namely, the State Government and its Departments, have to utilize the fund for the aforestated purpose.

4.Such funds have not been properly utilized by the State authorities and so many schemes since have been framed for the women's empowerment and women development or security of the women in respect of those schemes, funds have not been properly utilized, therefore, in order to utilize the funds properly to those schemes some of them since have been named in the prayer also, the petitioner has moved this Writ Petition as a 'Public Interest Litigation'.

5.Pursuant to the notices already issued by this Court, the State and Central authorities have responded including the Railway authorities.



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6.Since the State Authorities, namely the State of Tamil Nadu, represented by the Principal Secretary, the Social Welfare and Nutritious Meal Programme is a nodal Department through whom the fund is being administered and spent for various schemes for the protection of women and welfare and empowerment of the women, the fourth respondent ie., the Secretary to Government, Social Welfare and Nutritious Meal Department of the Government of Tamil Nadu has filed a detailed status report, dated 14.10.2022.

7.We have gone through the report which is not only exhausting but also self-explanatory. How much of the funds have been allotted by the Government and those funds have been spent in what way has been stated in detail in the said report.

8.Mainly the One Stop Centre scheme is being implemented under the fund, wherein every Revenue District has established a One Stop Centre and those centres are functioning to cater the needs of women, who seek such help under the One Stop Centre scheme.



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9.That apart, the report further states how many cases have been categorized and registered through 181 Women Helpline, which is provided in all the Districts have also been enumerated. According to the report, in the particular year 47,701 cases have been reported through the Women Helpline 181. Also, the funds spent on various expenses under the scheme have been enumerated in the table that has been provided in the report.

10.Further expenditures also have been incurred for the upgradation and operation of the Women Helpline 181.

11.Therefore, the report consisting of 13 pages has given an exhaustive picture about how the 'Nirbhaya Fund' is being spent in the State of Tamil Nadu by the fourth respondent Department.

12.Like that the learned standing counsel appearing for the Railways also has brought to the notice of this Court as to how 'Nirbhaya Fund' allotted to the Railways is being spent.



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13.A detailed report also has been filed by the Railway authorities as to how this fund is being spent at various railway stations and railway establishments.

14.Having gone through these reports and after hearing the learned Government Pleader appearing for the State and the learned standing counsel appearing for the Railway authorities, we are satisfied that the funds flown under the head of 'Nirbhaya Fund' from the Central Government are being utilized by the concerned authorities of the State Government as well as the Railway administration to the maximum extent possible. The utilization certificate periodically has been sent to the Central Government and lastly, such a certificate has been sent by the State Government to the Government of India on 21.06.2022. Even for subsequent years such kind of utilization certificate would be sent by the State Government periodically.

15.All these statistics that have been provided under the report as stated herein above would reveal that the 'Nirbhaya Fund' is being administered properly in this State, therefore, no separate action by way of

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giving any Mandamus, as sought for in this Writ Petition is required at this juncture. Therefore, recording the aforesaid development, this Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
11.06.2024

NCC : Yes / No
Index : Yes / No
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To

- 1.The Principal Secretary,
Represented by the Union of India,
Ministry of Women and Child Development,
Government of India,
Shastri Bhavan, New Delhi.
- 2.The Principal Secretary,
Represented by the Union of India,
Ministry of Home Affairs,
Government of India, North Block,
Cabinet Secretariat,
Raisina Hill, New Delhi.
- 3.The Principal Secretary,
Represented by the Union of India,
Ministry of Railway,
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G.ARUL MURUGAN,J.

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ORDER MADE IN
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