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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 887/2022**

DHANAK OF HUMANITY & ORS. Petitioners

Through: Mr. Utkarsh Singh, Advocate.

versus

STATE (NCT OF DELHI) & ANR. Respondents

Through: Ms. Rupali Bandhopadhyaya, ASC for
the State with Mr. Abhijeet Kumar, Advocate with
SI Suraj, PS: Mehrauli.

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CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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07.03.2024

1. Present writ petitions have been filed on behalf of the Petitioners under Article 226 of the Constitution of India seeking the following reliefs:-

W.P.(CRL) 887/2022

“A. Issue an appropriate writ, direction or order directing the respondents to produce the details of the special cell existing in the District of North East Delhi.

B. Issue an appropriate writ, direction or order directing the respondents to produce the couple before the Special Cell, North East Delhi for necessary action by them;”

W.P.(CRL) 888/2022

A. Issue an appropriate writ, direction or order directing the respondents to produce the details of the special cell existing in the District of South Delhi.



B. Issue an appropriate writ, direction or order directing the respondents to produce the couple before the Special Cell, South Delhi for necessary action by them.”

2. Status report dated 16.08.2022 was initially filed by the Respondent in which it was stated that pursuant to the directions passed by the Supreme Court in ***Shakti Vahini v. Union of India and Others, (2018) 7 SCC 192***, 15 Committees of officers were constituted as District Special Cells. With respect to the issues raised in W.P.(CRL) 887/2022, it was stated that Petitioners No. 2 and 3 had an inter-religious marriage on 16.04.2021 under the provisions of Special Marriage Act, 1954 against the wishes of their parents. Petitioner No. 2 expected atrocities from the family while Petitioner No.3 alleged that they were facing difficulty in getting rented accommodation on account of the fact that they were estranged from families. Petitioners were called and their statements were recorded in which they stated they are now residing together on the address furnished by them and the relatives were still extending threats to their life and therefore, they wanted to meet the Committee of the Special Cell of the District for providing a safe house. Therefore, a meeting was held on 12.08.2022 at 12:00 PM, between the officers of the District Special Cell, South District and Department of Social Welfare, GNCT of Delhi, the District Officer, Department of Women and Child Development and Petitioners No. 2 and 3, under the Chairmanship of DCP, South District, for examining the issue of providing safe house to the couple. Statements of both the Petitioners were taken into account while examining the matter.

3. After an in-depth analysis of the matter and on the basis of documents given by the said Petitioners it was found that both the Petitioners are well-



educated and adults and had married out of their own free will. Marriage was solemnized between them under the Special Marriage Act and they were living together since February, 2022. No complaints/PCR calls were made by the Petitioners to the Police Station concerned at Mayur Vihar, under the jurisdiction of which they were residing. Petitioner No.3 was working and earning and there was no financial crunch. On overall facts it was concluded that Petitioners did not require shelter in a safe house. Along with the status report, Respondents have also annexed as Annexure R-1, the details of the district-wise Committees constituted, pursuant to the directions of the Supreme Court.

4. After perusing the status report, on 17.08.2022, Court passed an order delineating few issues and the order is extracted hereunder, for ready reference:-

“Pursuant to the order dated 25.04.2022, Ms. Bandhopadhyaya has filed a status report showing existence of Special Cells to receive petition, complaints of harassment and threats received to couples of inter-caste marriage and has also filed order dated 28.08.2020 which shows existence of District Special Cells.

However, the status report does not indicate as to the facilities/services provided by these Special Cells, the advertisement/publicity of these Special Cells so that citizens and couples of inter-caste marriages are aware of the existence of these Special Cells. There is also no clarity on the protection which these Special Cells provide and the methodology of approaching these Special Cells.

Mr. Bandhopadhyaya seeks and is granted 2 weeks to file a detailed status report, indicating the queries raised above.

The status report shall also indicate as to the number of cases dealt with by the district special cells also.

List on 08.09.2022.”

5. From a perusal of the order, it is clear that 03 points were flagged by the Court: (i) facilities/services provided by the Special Cells; (ii)



advertisement/publicity of these Special Cells so that citizens and couples of inter-caste marriages are aware of the existence of these Special Cells; and (iii) protection which these Special Cells provide as well as the methodology of approaching these Special Cells.

6. In order to respond to the queries, updated status report was filed on behalf of the State under the aegis and signatures of the DCP of the area concerned. It is stated in the status report that 15 District Special Cells were constituted by the GNCTD by order dated 28.08.2020 in pursuance of the judgment of the Supreme Court in *Shakti Vahini (supra)*. District Special Cells comprise of respective DCPs as co-ordinating officers and District Social Welfare as well as District Women and Child Development Officers as members. An SOP has been issued on 23.03.2021 by GNCT of Delhi wherein functioning of the cells and the facilities and services provided by the Special Cells have been detailed. It is stated that facilities of lodging, bedding, meals and counselling are provided to the couple in need, through a probation officer and medical facilities are provided from the nearest hospital under police protection. Copy of the SOP has been placed on record.

7. Regarding the methodology, it is stated that victim is free to call on the women help line number 181 and the details of the call have to be shared with the concerned DCP heading the Special Cell. When a complaint is received, inquiry is carried out and after ascertaining the facts, if a need to shift the persons to a safe house is felt, intimation is conveyed to the District Magistrate and the couple is provided shelter in the safe house. As regards publicity and advertisement, it is stated that the SOP and list of District Special Cells have been uploaded on the website of the Department of



Social Welfare of GNCTD and additionally, Delhi Police is also publicising the same through social media and the website of the Delhi Police. An SOP has also been issued by the Delhi Police in this regard. As far as the third issue is concerned, it is stated that as per the available data, as on 07.09.2022, the date when the status report was filed, grievances of 17 couples have been redressed by the Special Cells.

8. After perusing the two status reports, this Court is of the view that the individual grievances raised by the Petitioners stand redressed. As far as the larger issues flagged by the Court are concerned, required steps have been taken by the Respondents and necessary action is being taken.

9. Accordingly, no further order is required to be passed at this stage and Petitions stand disposed of. Considering that an important issue has been highlighted by the Petitioners in the present case, which is in the interest of general public, Petitioners are granted liberty to seek a revival of these petitions, in case of any surviving and/or further grievance.

JYOTI SINGH, J

MARCH 07, 2024/shivam