

Gaurav Jain

Vs

State of Bihar and Others

Writ Petition (Civil) No. 566 of 1988

(CJI Ranganath Misra, P. B. Sawant, Kuldeep Singh JJ)

08.04.1991

ORDER

1. We have read the report and the proceedings of the Committee set up by the Government of Bihar to deal with the problem. Witch hunting ultimately ending in the murder of the lady (mostly widows) is confined to a couple of districts of Bihar, certain areas of Madhya Pradesh and one or two districts of Andhra Pradesh. In this case we are concerned with the problem as arising in the State of Bihar. The Committee has recommended that there should be special legislation. We are inclined to take the view that separate legislation is not necessary and report itself indicates that there have been conviction in eight cases under the existing law. Therefore, instead of proposing special legislation perhaps it would be enough to meet the problem if a little further attention is devoted and care is taken to draw up a census of the widows possessing property and other material information that may be collected by special intelligence engaged in the area. We, therefore, consider it appropriate to call upon the State of Bihar to consider the setting up of a special cell in each of the districts vulnerable to which hunting and allowing intelligence officers in plain clothes to move about in such areas at regular intervals collecting such information and the cell in the police headquarters to maintain up-to-date position by collecting the information, passing on such instructions as may be necessary to keep a proper watch in the localities and carrying on such activities as may be relevant to stopping of witch hunting practice. Instead of giving an outright direction, we consider it appropriate to look for the response of the State Government keeping in view what we have said above so that on the adjourned date a final order could be made.

2. Call on May 9, 1991.

3. A copy of the order may be transmitted to the Home Secretary.

(Court Master)

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