

Case Analysis: Ms. X v. The State of Jharkhand & Ors.

By Anish* & Divya Sree**

Introduction

Rape is not just a few days suffering for the victim but a shadow that hurts her throughout her life. They stand still, face the problems and fight back. The society is always the one that pulls the survivors down from leading a happy life. One such case (*Ms. X v. The State of Jharkhand & Ors.*) knocked the doors of the Supreme Court of India in 2019 in the form of Writ Petition. The Supreme Court's three judge judicial bench consisting of Justices Ashok Bhushan, R. Subhash Reddy and M.R. Shah stated that "A rape victim suffers not only a mental trauma but also discrimination from the society." The court also cited a judgement from *Nipun Saxena and another vs. Union of India and others*¹, wherein it was stated that

"12. A victim of rape will face hostile discrimination and social ostracization in society. Such victim will find it difficult to get a job, will find it difficult to get married and will also find it difficult to get integrated in society like a normal human being."

Facts of the Case

In the case of *Ms. X v. The State of Jharkhand & Ors.*, a rape victim filed a writ petition in the Supreme Court. The petitioner was married to Manish Yadav and had a son. She then obtained divorce from him and their son's custody was given to Basant Yadav. On 8th June 2002, She went to Daltonganj to meet her son as asked by Basant Yadav. There on the same date she was raped by Mohd. Ali and three other accused. The accused were convicted on 15th February 2014 with 10 years RI. Later she married Rajesh Kumar and had a son. The present writ petition was filed by the plaintiff because she was facing many problems to get a house on rent because her identity as a rape victim was disclosed by the media and no one is ready to give her house on rent because she was a rape victim. She also prayed for the protection of her and her children's life and asked. The petitioner asked for free education for her children. The petitioner has three children, out of which two are minors.

¹ (2019) 2 SCC 703

*1st Year Student of B.A LL.B (Hons.) Asian Law College, Noida [Batch 2020-25]

** 1st Year Student of B.A LL.B (Hons.) DSNLU Vizag [Batch 2020-25]

Judgement

The court confirmed that there is no denial of the fact that the petitioner is a rape victim. She being a rape victim deserves treatment as rape victim by all the authorities. Then the Court mentioned the Nipun Saxena and another vs. Union of India and others as I have stated in the introduction. Coming to the Education of the Plaintiff's children, out of three Children two are minors and they should be provided free Education. It was submitted that in the state of Jharkhand, Education is free upto 14 years of age. The apex Court ordered the Deputy Commissioner of Ranchi to ensure free education in any Government Institution at Ranchi. When the petitioner's grievance about the disclosure of her identity has been discussed, the court found that the compensation has already been paid. The next highlighted grievance is the petitioner's helplessness in getting rented accommodation in Ranchi as she was being rejected as she was a Rape victim. The Deputy Commissioner was ordered to consider the plaintiff under Prime Minister Awas Yojana or any other scheme of the centre or the state and allot her any housing accommodation.

