

No. N-13011/10/2023 BC-II
Government of India
Ministry of Information & Broadcasting
'A'-Wing, Shastri Bhawan, New Delhi

Dated: the 19th September, 2023

To,

1. All Private Satellite TV Channels
2. Publisher of news and current affairs content on digital media.

Subject:- Hon'ble High Court of Delhi's Order dated 28.08.2023 passed in WP (Crl.) 2456 of 2023 - Court on its own motion Vs Department of Women and Child development & Ors. - reg.

I am directed to enclose herewith a copy of Order dated 28.08.2023 passed by Hon'ble High Court of Delhi in WP (Crl.) No. 2456 of 2023 - Court on its own motion Vs Department of Women and Child development & Ors. The Media Houses may ensure necessary compliance to the aforesaid Order and directions of the Hon'ble Court.

Encls: As above.

Vrunda Manohar Desai
19/9/23
(Vrunda Manohar Desai)
Director (BC)
Tele No. 011-23386394

Copy to:

1. Self Regulatory Bodies of TV channels registered under the Cable Television Network (Amendment) Rules, 2021.
2. Self Regulatory Bodies under Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
3. The Associations/ Bodies of Electronic media

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(CRL) 2456/2023
COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. Veer Vikrant Singh and Ms.
Karishma Rajput, Advocates for
NCPDR.

versus

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT AND
ORS.

..... Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl), GNCTD with Ms. Nandita Rao,
ASC (Crl) for R-1,2 & 4.
Mr. Kirtiman Singh, CGSC with Ms.
Vidhi Jain, Advocate for UOI.
Ms. Rupali Bandhopadhyaya, ASC (Crl)
with Mr. Abhijeet Kumar and Mr.
Akshay Kumar, Advocates for Delhi
Police.
DCP Sagar Singh Kalsi, ACP
Rajindar Pd., SHO Burari, Insp.
Jaspal Singh, ATO Burari and SI
Bharti, PS Burari.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

28.08.2023

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1. Following the publication of a newspaper article in the Times of India on 21st August 2023 titled "Senior Delhi Government Officer Booked for Raping Minor," the Juvenile Justice Committee of the Delhi High Court

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took *suo-moto* cognisance of the matter and called for a report from the Secretary, Department of Women & Child Development (DWCD), the nodal department for implementing and ensuring compliances of all legislations for Care and Protection of Children in Delhi. The said report was thoroughly reviewed by the Committee, unveiling several lapses across various departments and stakeholders, most notably, the public disclosure of the victim's identity.

Pertinent Observations and Issues:

2. Amongst several glaring lapses, one concerning finding in the report pertains to Delhi Police's handling of the case. Their oversight in recognizing the victim's age and the severity of the crime, led them to notify the Delhi Commission for Women (DCW) instead of the appropriate authority, the Child Welfare Committee (CWC). This procedural deviation denied the victim the necessary support and care mandated by the Protection of Children from Sexual Offences Rules, 2020. More disheartening was the disclosure of the victim's identity and personal details in the FIR.
3. The report also highlights the Central District Chairperson's inertia, despite urgent calls to action by significant stakeholders.
4. While the DWCD did undertake measures to prevent future lapses, such as instructing the District Child Protection Officer to visit the victim, there arose another point of contention. A counsellor from the Delhi Commission for Protection of Child Rights (DCPCR) had, without proper procedure, met the victim.
5. The emotional health, confidentiality of child's identity, safety and security have been compromised and the media reporting has contravened

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POCSO Act.

6. In light of the afore-noted observations amongst others, the Committee has put forth prompt recommendations to all stakeholders involved.

7. Acknowledging the gravity of observations made in the report, we are compelled to delve deeper. However, we also afford the state authorities present their perspectives in light of the observations made in the report. As of now, we issue the following directives:

8. *Directions:*

(a) Issue notice. Mr. Kirtiman Singh, learned counsel for Union of India (Respondent No. 3), Mr. Sanjay Lao, learned counsel for GNCTD, and Ms. Rupali Bandhopadhyaya, learned counsel for Delhi Police accept notice.

(b) A detailed response, in the form of a counter-affidavit, is sought from Mr. Sanjay Lao (representing GNCTD) within a four-week window. Similarly, responses from Union of India and Delhi Police are expected within the same timeframe.

(c) The National Commission for Protection of Child Rights (NCPCR), through their counsel Mr. Veer Vikrant Singh, indicated their involvement in this matter. They are therefore added as a party and instructed to file a status report detailing their actions.

(d) The Court is informed by DCP Sagar Singh Kalsi that, though the survivor is currently hospitalized and receiving care, her condition remains critical. Accordingly, we direct the State Government and relevant hospital authorities to prioritize the child's welfare.

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In incidents of this gravity, providing immediate support and care to

survivors is paramount. Any delay can aggravate their trauma. Even with ample legislations, guidelines, and court orders in place, state institutions have unfortunately been sluggish in their response. Such gaps cannot persist. All relevant officers from concerned departments must adhere to well-defined protocols in these situations. To ensure uniform and effective care for victims, we hereby instruct seniormost representatives from crucial departments—including DWCD, CWC, DCW, DCPCR, NCPCR, and Delhi Police—to join hands and draft a Standard Operating Procedure (SoP). This SoP should elucidate roles, responsibilities, and jurisdictions, facilitating seamless coordination should such an unfortunate event transpire in the future. Considering the sensitivity of the matter, we are also impleading Delhi State Legal Services Authority [*'DSLISA'*] as a party. The Principal Secretary, DSLISA shall also participate in the effort of drafting SoP. The Secretary of DWCD will serve as the nodal authority for this endeavour. This assignment must be concluded within a set timeframe. Furthermore, we anticipate a detailed outline of the SoP to be presented at our next hearing.

(f) Media entities, spanning print to digital, are reminded of their ethical duty and legal responsibilities. Any content already published revealing the identity of the victim and her family must be redacted, ensuring alignment with the POCSO Act, 2012 and the Juvenile Justice (Care and Protection of Children) Act, 2015. Further reporting of news in relation to the case at hand, must ensure that all news clippings, vidcos and the other content on print and digital media platforms must not reveal the identity of the victim and her family members.

(g) The directions issued to the Media above are to be widely circulated

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by the Press Council of India, the Ministry of Information and Broadcasting,

and the Ministry of Electronics and Information Technology.

9. Registry is directed to swiftly communicate the afore-noted directions to all concerned parties.

10. List for further consideration on 14th September, 2023.


SATISH CHANDRA SHARMA, CJ


SANJEEV NARULA, J

AUGUST 28, 2023/ns



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W.P.(CRL) 2456/2023

Page 5 of 5