

ITEM NO.307

COURT NO.9

SECTION PIL W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Suo Motu W.P. (Cr1.) No(s) .3/2015

IN RE: PRAJWALA LETTER DATED 18.2.2015
VIDEOS OF SEXUAL VIOLENCE AND RECOMMENDATIONS

Date : 27/02/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Ms. Aparna Bhat, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

A letter dated 18th February, 2015 was addressed to Hon'ble the Chief Justice of India by Prajwala, an organization based in the old city of Hyderabad. The letter was handed over to one of us by the office of Hon'ble the Chief Justice of India. On reading the letter, it is quite clear that an issue of great public importance has been raised. Accordingly, *suo motu* petition has been registered based on the contents of the letter.

Ms. Aparna Bhat, learned counsel appears on behalf of Prajwala and she submits that she will file a detailed petition giving suggestions with regard to the issues raised in the letter.

The letter states that the General Secretary of Prajwala came to learn of two videos, one of which is 4.5 minutes long wherein one man is raping a girl and another is recording the incident. This incident appears to have occurred some where in Delhi-Uttar Pradesh.

The second video is about 8.5 minutes long and is of a gang rape wherein five men were seen raping a very young woman. The second video is from some "Bengali like speaking region".

It is further stated in the letter that apart from the fact that the incidents of rape and gang rape were video recorded, to make matters worse, they have been distributed through whatsapp.

When Prajwala learnt of the videos, a nationwide campaign #ShameTheRapist was launched on 5th February, 2015 exposing the faces of the rapists (1+5) and requesting the nation to help trace the culprits. It is stated that the campaign has gone viral with thousands of people joining the campaign and one of the results of the campaign was that it has come to notice that there are certain websites which cater only to pornographic videos of sexual violence. These websites have been mentioned in the letter sent by Prajwala.

In the opinion of Prajwala, the incidents indicate that the offence of rape is committed with impunity and the offender even has the audacity to flaunt the incident

in the public domain through a video recording. This has a negative impact on the criminal justice system and also makes it difficult for the common people to report such matters to law enforcement agencies.

Prajwala has made six suggestions in the letter. These are:

- (i) A CBI Probe into all such videos with the findings being made public;
- (ii) Setting up of a Task Force on Sexual Crimes. The Task Force should be set up within the Ministry of Home Affairs and should also focus on technology driven sexual crimes.
- (iii) A public friendly mechanism to report such videos. It is suggested that a mechanism could be evolved to have a secure email Id and also a toll free number which will enable citizens to report such crimes without any threat perception.
- (iv) A National Sex Offenders Register of convicted sex offenders. This will be more in the nature of a Registry which will give publicity to the sex offenders which could include those indulging in eve-teasing, molesters, stalkers and rapists and other similar offenders.
- (v) Tie-up of the Ministry of Home Affairs with Youtube and Whatsapp so that dissemination of offensive videos and material relating to sexual

crimes is curbed and penal action taken against the offenders.

(vi) Specialized training of senior law enforcers on issues relating to sexual crimes and cyber space and other use of technology to tackle concerns from social media and other technology enabled applications such as whatsapp and youtube.

Attached with the letter is a pen drive with videos received by Prajwala and DVDs of the videos. The Registry should keep the pen drive and DVDs in a sealed cover.

On the basis of the contents of the letter, it is quite clear that the issues raised are extremely serious and are of great public concern.

Under the circumstances, we issue notice to the States of Uttar Pradesh, West Bengal, Odisha and the NCT of Delhi. The notice may be served through the Chief Secretary of the States and the NCT of Delhi and also through the Director General of Police in the States and the Commissioner of Police in Delhi.

The Government of India, through the Secretary, Ministry of Home Affairs and the Secretary, Ministry of Communications and Information Technology are necessary parties, particularly in view of the suggestions that have been made in the letter. Accordingly, notice may also be issued to the Government of India, through the

Secretary, Ministry of Home Affairs and the Secretary, Ministry of Communications and Information Technology.

We have been informed by learned counsel that subsequent to the social media campaign #ShameTheRapist, the vehicle of the General Secretary of Prajwala was attacked in Hyderabad (Telangana). It is also, therefore, necessary to issue notice to the Chief Secretary and the Director General of Police in the State of Telangana.

We have also been informed by Ms. Aparna Bhat that no significant progress seems to have been made in apprehending the rapists or those who attacked the vehicle of the General Secretary of Prajwala. We expect the police forces in the concerned States and NCT of Delhi to take urgent and immediate action to identify and apprehend the culprits.

Since the first suggestion made by Prajwala is for a CBI probe into all such videos, notice may also be issued to the Director, CBI to immediately register a crime and to start investigations with immediate effect. Ms. Aparna Bhat states that she will, if possible, make additional copies of the Pen drive and DVDs and supply them directly to the Director of the CBI. She further states that in case she is not able to do so, the pen drive and DVDs copies of which are already available with the Secretary in the Ministry of Home Affairs, Government

of India may be transmitted by the Secretary in the Ministry of Home Affairs to the Director, CBI for necessary action and to commence investigations or collected by the Investigating Officer from the said Secretary.

Given the seriousness of the issues raised, we expect all authorities/officials to effectively cooperate with one another.

Ms. Aparna Bhat submits that she will file the detailed petition on 9th March, 2015.

List the matter on 13th March, 2015.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER