

ITEM NO.63

COURT NO.3

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s).24978/2018

(Arising out of impugned final judgment and order dated 23-08-2018 in CWJC No. 12845/2018 passed by the High Court of Judicature at Patna)

NIVEDITA JHA

Petitioner(s)

VERSUS

THE STATE OF BIHAR & ORS.

Respondent(s)

Date : 20-09-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTA

Ms. Aparna Bhat, Adv. (A.C.)  
Mr. Ramesh Pukhrambam, Adv.  
Ms. Joshita Pai, Adv.

For Petitioner(s) Mr. Shekhar Naphade, Sr. Adv.  
Ms. Fauzia Shakil, AOR  
Mr. Varun Varma, Adv.

For Respondent(s) Mr. K.K. Venugopal, AG  
Mr. K. Raghavacharyulu, Special Pub. Prosecutor  
Mr. Gopal Shankarnarayan, Adv.  
Ms.Charanya Lakshmikumaran, Adv.  
Ms. Shraddha Deshmukh, adv.  
Mr. Kailash Pandey, Adv.  
Mr. Ranjeet Singh, Adv.  
Ms. Arunima Pal, Adv.  
Ms. Nupur Sharma, Adv.  
Mr. J.K. Mishra, Adv.

Mr. Abhinav Mukerji, Adv.  
Ms. Bihu Sharma, Adv.  
Ms. Purnima Krishna, Adv.

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

We have gone through the Status Report Nos.1 and 2 filed by the CBI in the Patna High Court. The investigations seem to be on track at the moment.

However, on a perusal of the Status Reports, there are a few areas that need to be further looked into by the CBI. They are as follows:

1. It appears that the person In-charge of the NGO Sewa Sankalp Evam Vikas Samiti, Mr. Brajesh Thakur is a very influential person and people in the neighbourhood are scared of him and not able to make any complaint against him. In fact it has come out that people in the neighbourhood have heard screaming by the girls in the Shelter Home but they do not bring it to the notice of anybody because of the apparent terror of Mr. Brajesh Thakur. The CBI will need to look into the antecedents, connections and influence of Mr. Brajesh Thakur.

2. It has also come on record that the NGO of Mr. Brajesh Thakur, i.e., Sewa Sankalp Evam Vikas Samiti has received about Rs.4.5 crores from the State of Bihar over a period of about ten years for its activities. During this period, it has also purchased 35 vehicles. The other assets of the NGO or Mr. Brajesh Thakur do not appear to be very clear. It is necessary, in our opinion, that the Income Tax Department should look into the income and assets of Mr. Brajesh Thakur and indeed of the NGO Sewa Sankalp Evam Vikas Samiti.

The CBI Team should request the Chief Commissioner/Commissioner having jurisdiction in the area to look into this matter and to investigate the affairs of the NGO and of Mr. Brajesh Thakur from the income tax

angle.

3. It has also come on record that one Mr. Chandrashekhar Verma and his wife Manju Verma have been in possession of illegal ammunition of a fairly large quantity. It is not clear whether they were in possession of illegal arms as well. The status report mentions that an FIR has been lodged against Chandrashekhar Verma and Manju Verma. The affairs of these two need to be looked into, particularly with regard to their procurement and possession of illegal ammunition and availability of illegal weapons, if any.

We request the local police in the State of Bihar to look into this aspect with some degree of seriousness.

4. The Status Report also mentions that some girls were transferred on 20<sup>th</sup> March, 2018 by the Social Welfare Department from the Shelter Home which is the subject matter of the present investigation by the CBI. It is not clear why these girls were transferred out, particularly when the Report given by TISS became known to the State Government some time in May, 2018.

The transfer seems to suggest that the Social Welfare Department of the Government of Bihar was aware of certain unsavoury activities in the Shelter Home and that may have been the reason for transfer of the victim girls.

The CBI should seize the record of the Social Welfare Department in this regard and carry out the

investigation.

We would also require the State of Bihar to file the affidavit indicating the circumstances necessitating the transfer of some girls out of the Shelter Home by the Social Welfare Department.

We are mentioning all these facts since it appears that the entire sequence of events concerning the Shelter Home is of an extremely serious nature and requires great indepth scrutiny, which we expect the CBI to conduct.

Learned Attorney General says that the CBI will file a status report within four weeks from today. The report should be filed in a sealed cover and should have the approval of the concerned Additional Director.

It is submitted by learned *amicus curiae* and learned Special Public Prosecutor joins in requesting that since NIMHANS is assisting CBI in the issue of revelations of the girl victims, they may be permitted to complete the task by the first week of October, 2018.

We request the other agencies, i.e., TISS, NGO Enfold and any other NGO associated in this regard, for the time being, to permit the CBI and NIMHANS to work on the psycho-social issues and consequent revelations and then other issues of rehabilitation can be taken up by them.

List the matter on 25<sup>th</sup> October, 2018.

Reporting in Press and electronic media

The recent incident of sexual abuse in Muzaffarpur Shelter Home and other incidents of sexual abuse that have taken place have been widely reported in the Press as well as in the electronic media.

It is submitted by Mr. Shekhar Naphade, learned senior counsel appearing on behalf of the petitioner that there are guidelines including those of journalistic ethics and statutory provisions under the Indian Penal Code, Protection of Children from Sexual Offences Act and Contempt of Courts Act, etc. that are being routinely violated in the sense that an investigation is conducted independently by the print and electronic media and sometimes there is also a trial that is conducted and judgment in the form of a conclusion is also delivered by the media. He says that this is not in accordance with journalistic ethics.

It appears that there is no mechanism for enforcement and implementation of the statutory provisions and guidelines. In the absence of any mechanism, it is possible that there could be some mis-reporting and some persons who are not involved in an offence may be mistakenly taken as accused of an offence by the media.

The entire issue needs to be balanced and looked at in the broader view of criminal justice and freedom of the Press.

For this purpose, we would need the assistance of the Press Council of India, the News Broadcasting Standards Authority, the Editors Guild and the Indian Broadcasting Federation. Accordingly, notice be issued to them returnable on 4<sup>th</sup> October, 2018.

In the meanwhile, the blanket ban order passed by the Patna High Court on 23<sup>rd</sup> August, 2018 with regard to media reporting is vacated. However, we expect the print and electronic media to be responsible circumspect in the matter of reporting of the incidents that have taken place in Muzaffarpur as well as the investigations that have been carried out. This is in the interest of the minor victims.

In the interest of all victims of sexual abuse and sexual violence, we restrain the electronic media from telecasting or broadcasting the images of the victims in a morphed or blurred form. We request the media not to interview victims of violence or sexual abuse in the interest of the victims. News of the events may be broadcast by the print media as well as the electronic media keeping in mind the interest of the victims, which should be of concern.

We also request the print media and the electronic media not to sensationalize such events.

List the matter for this purpose on 4<sup>th</sup> October, 2018.

(SANJAY KUMAR-I)  
AR-CUM-PS

(KAILASH CHANDER)  
ASSISTANT REGISTRAR