

HIGH COURT OF JHARKHAND, RANCHI

NOTIFICATION

No. 23 /2023/R&S/JHC

Dated: 29 / 12 /2023

In compliance of the directions passed by the Hon'ble Supreme Court of India in certified copy of record or proceedings dated 10/07/2023 in Special Leave Petition (Criminal) No(s). 1577-1579 of 2023 read with Writ Petition (Civil) No. 565 of 2012 (Nipun Saxena & Anr. Versus Union of India & Ors.), the following practice directions are hereby issued for compliance of all concerned so that the identity of victims of sexual offences including victims under POCSO Act are not disclosed in the pleadings and other records of the Court:-

1. The Registry must carefully scrutinise all filings related to sexual offences including offences under POCSO Act, to ensure that the anonymity and confidentiality of the prosecutrix/victim/survivor is strictly maintained and the name, parentage, address, social media credentials and photographs of the prosecutrix/victim/survivor must not be disclosed in the filings made in court, including in the memo of parties;
2. Before accepting the filing of the cases related with sexual offences/ offences under POCSO Act, the Registry must scrutinise the file and in the event the Registry finds that the identity credentials of the prosecutrix/victim/survivor are disclosed in the memo of parties or anywhere else in the filings, such filings must be returned to the concerned counsel who have filed the same, to undertake requisite redactions, before the filings are accepted;
3. All the concerned must ensure that the aforesaid particulars do not get reflected in the filing system as well as in the cause-list of the Court;
4. The name, parentage and address of family members of the prosecutrix/victim/survivor - *through whom the prosecutrix/victim/survivor could be identified* - must not be disclosed in the filings, including in the memo of parties, even if they are accused in the case, since this may indirectly lead to the identification of the prosecutrix/victim/ survivor. A declaration shall be made in the body of the petition stating that identity of the prosecutrix/victim/survivor has not been disclosed;
5. Affidavit sworn by the victim in the proceeding which by law requires disclosure of her identity shall be kept in a sealed cover. Redacted copy of the affidavit must also be filed which shall be kept as a part of the public records. Registry is directed to keep the vakalatnama of the prosecutrix/victim/survivor of sexual offence including victims under POCSO Act in a sealed cover and a redacted copy of the same shall be kept on record. Inspection of the documents/annexures filed in the proceedings disclosing identity of the victim and kept in sealed cover shall be given only with the permission of the Court;
6. In order to avoid dissemination of identifying particulars to any other person or agency even within the High Court, it is further directed that all service to be effected upon the prosecutrix/victim/survivor shall only be through the Superintendent of Police/Sr.S.P. of the concerned District where the prosecutrix/victim/survivor resides and not through any other mechanism unless otherwise directed by the Court. Redacted copies of pleadings/affidavits, documents and/or annexures shall be served upon the parties to the proceedings unless otherwise directed by the Court;
7. All the judicial sections of the Court are directed to redact the name, parentage, address, social media credentials and photographs of the prosecutrix/victim/survivor from the records before sending the same to the Copying Department for issuance of copy. The Copying Department of this Court is directed not to issue the certified copy of the judicial records/judgements/orders relating to the cases of sexual offences including the offences under POCSO Act without the redaction of the name, parentage, address, social media credentials and photographs of the prosecutrix/victim/survivor from the concerned record;

8. The Registry is directed to send the petitions/documents filed in the proceeding disclosing the identity of the prosecutrix/victim/survivor for inspection by the Learned Counsel/parties after redacting the name of the prosecutrix/victim/survivor;
9. If the parties wish to cite in court any identifying particulars of the prosecutrix/victim/survivor, including photographs or social media communications etc., such party may bring the same to court in 'sealed cover'; or file the same in 'sealed cover' or in a 'pass-code locked' electronic folder and share the pass-code only with the concerned Court Master after obtaining prior permission of the Court.
10. The officers/staffs of the P.A. Section must ensure that the identity of prosecutrix/victim/survivor is not reflected in the cause title of the judgements/orders of the Court before uploading the same on the website of the Court;
11. The foregoing directions are not intended to be exhaustive; and at the stage of scrutiny, the Registry is expected to apply its mind to any peculiarities of a given case, with the aim and intent of scrupulously applying the directions of the Hon'ble Supreme Court passed in Nipun Saxena vs. Union of India [W.P.(C) No. 565 of 2012].

By order of the Court
Sd/-

Registrar General

Memo No. 25 /R&S

Dated Ranchi the 20th December, 2023

Copy forwarded to:

1. The Joint Registrar-cum-I/c, P.P.S. to Hon'ble the Chief Justice, High Court of Jharkhand
2. All the Secretaries to Hon'ble Judges, High Court of Jharkhand
3. All the Registry Members, High Court of Jharkhand, Ranchi including the Joint Registrar (List & Computer), Joint Registrar (Judicial)
4. All the Principal District & Sessions Judges of the State of Jharkhand including the Judicial Commissioner, Ranchi
5. The President of Advocates' Association and the Chairman, Jharkhand State Bar Council,
6. I/c, P.A. Section, High Court of Jharkhand,
7. All Court Masters, High Court of Jharkhand,
8. I/c, Filing Section (List & Computer), High Court of Jharkhand,
9. I/c, C.P.C. Section, High Court of Jharkhand,
10. All the Judicial Sections, High Court of Jharkhand,
11. Deputy Director Translation, Section Officers/ Stamp Reporter/ Oath Commissioner, High Court of Jharkhand,

For information and needful.


Registrar General