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ITEM NO.7

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.162 OF 2013

MS. BINU TAMTA & ANR. Petitioner(s)

VERSUS

HIGH COURT OF DELHI & ORS. Respondent(s)

Date: 21/03/2013 This Petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MRS. JUSTICE RANJANA PRAKASH DESAI

For Petitioner(s)
Petitioners-In-Person

For Respondent(s) Mr. Sidharth Luthra, ASG
Nos.2 & 3 Mr. D.S. Mahra, Adv.
Ms. Rekha Pandey, Adv.

For R-1/Delhi Mr. A.D.N. Rao, Adv.
High Court Ms. Neelam Rajin, Adv.

For R-4 Secretary General, Supreme Court of India

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

This writ petition which was taken up on 20th March, 2013, is based on a newspaper article which appeared in the 'Hindustan Times' New Delhi edition on 19th March, 2013, reporting a voyeuristic and degrading incident which is alleged to have taken place in the premises of the Delhi High Court.

However, while considering the said newspaper report, certain wider issues also came into focus, such as the implementation of the directions contained in the judgment delivered by this Court in Vishaka and Others v. State of Rajasthan and Others (1997) 6 SCC 241. The two petitioners in this writ petition, Ms. Binu Tamta and Ms. Vibha Datt Makhija, are two learned Advocates of this Court, and they are seriously aggrieved, not only by the newspaper report, but by the fact that the recommendations and/or directions given by this Court in Vishaka's case (supra) have not been fully implemented in the courts.

Having regard to the above, we had issued notice to the Delhi High Court represented by its Registrar General, the NCT of Delhi through its Chief Secretary, the Commissioner of Delhi Police and had also included the Secretary General of this Court amongst

the respondents.

One thing should be made clear that this is not an adversarial litigation, but an application made to address some of the genuine apprehensions that women practitioners and employees of this Court and other courts have with regard to the invasion of their privacy.

Having regard to the above, we also direct that the Union of India be added as a party in these proceedings, to be represented by the Ministry of Women and Child Development and the Ministry of Social Justice and Empowerment.

During the proceedings, we had requested the Member Secretary of the National Legal Services Authority, Mrs. Asha Menon, to be present, since certain suggestions have been made with regard to the setting up of Counselling Centers, within the precincts of the different courts.

Having regard to the submissions made on the contents of the writ petition today, we are of the view that proper data is required to be obtained with regard to the establishment of the Complaint Committees, as indicated in Vishaka's case (supra), particularly having regard to the submission made by Ms. Menon, that in most of the District Courts these Committees are already in place. Apart from the above, we are of the view that the Complaint Committee of the Supreme Court, as existing, should be more broad-based, so that the grievances of the learned Advocates, who, though, not employees of the Supreme Court, but are a major part of the work force, can also be addressed.

The Complaint Committee is, therefore, expanded to include Ms. Indu Malhotra and Mr. Anand Grover, learned senior Advocates, together with Ms. Neena Naik, at present a Member of the National Commission for Protection of Child Rights in Delhi, provided that there is no objection to her inclusion as a Member of the Committee on account of the position that she holds. The Complaint Committee shall continue to function in the manner in which it has been doing so far on the basis of the rules and guidelines, which have already been framed, subject to changes and amendments therein.

Before the next date, Ms. Asha Menon, as the Member Secretary of NALSA, shall also provide the Court with data with regard to the existence of the Committees constituted in the line of the judgment in Vishaka's case in the different courts, on a national level.

Apart from the above directions, as far as the alleged offence which is the subject matter of the writ petition, is concerned, we are informed by Mr. A.D.N. Rao, learned counsel appearing for the Delhi High Court, that a complaint has been filed with the Delhi Police and the Delhi police is looking into the matter. We, therefore, leave that part of the case to the Delhi Police for taking appropriate action.

Let a copy of this order be made available to Mrs. Asha Menon, to enable her to take further action in terms thereof.

Needless to say, the expansion of the Complaint Committee should be given wide publicity, both within the Supreme Court precincts and also in the Lawyers' Block across the Bhagwan Das Road, attached to the Supreme Court. The order may also be placed in the Notice Boards of the Supreme Court Bar Association, the Supreme Court Advocates-on-Record Association and the Notice Boards of the Supreme Court as well.

The changes are also to be notified in the Supreme Court website. The Supreme Court Bar Association shall also ensure that this information is publicized among its members.

In addition to the above, it should also be indicated in the notice, that complaints may at first be made to the Chairperson of the Committee, Ms. Promila Sharma, Additional Registrar of this Court. In the event any complaint is received by the Supreme Court Bar Association, the same may also be forwarded to the Additional Registrar concerned for taking appropriate action.

Let this matter stand over till 23rd April, 2013, and be listed at 3.00 p.m. Let this Bench be re-constituted on the said date and time for the aforesaid purpose.

|(Chetan Kumar)
|Court Master

|(Juginder Kaur)
|Assistant Registrar

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