

R/342

24-1-2019

**Supreme Court Case**

F. No. 24013/08/2015-SC/ST-W(vol.iii)

Government of India  
Ministry of Home Affairs  
Women Safety Division



MDC National Stadium,  
New Delhi - 110001.

Dated: 16 January, 2019.

To, **1. The Chief Secretaries of all State Governments including GNCTD and UTs of Puducherry and A&N Island.**

**2. Administrators of D&D, D&NH, Lakshadweep and Chandigarh.**

Subject: **Writ Petition (C) No. 565/2012 - Nipun Saxena & ANR. vs. Union of India & ORS. - Reg.**

Sir/Madam,

I am directed to refer to the judgement dated 11.12.2018, in W.P.(C) No. 565 of 2012 (copy enclosed) passed by Hon'ble Supreme Court of India, on the subject mentioned above and to reiterate the directions issued by the Hon'ble Court:

- FS/COA  
25/1
1. No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large.
  2. In cases where the victim is dead or of unsound mind the name of the victim or her identity should not be disclosed even under the authorization of the next of the kin, unless circumstances justifying the disclosure of her identity exist, which shall be decided by the competent authority, which at present is the Sessions Judge.
  3. FIRs relating to offences under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of IPC and offences under POCSO shall not be put in the public domain.
  4. In case a victim files an appeal under Section 372 CrPC, it is not necessary for the victim to disclose his/her identity and the appeal shall be dealt with in the manner laid down by law.

5. The police officials should keep all the documents in which the name of the victim is disclosed, as far as possible, in a sealed cover and replace these documents by identical documents in which the name of the victim is removed in all records which may be scrutinised in the public domain.
  6. All the authorities to which the name of the victim is disclosed by the investigating agency or the court are also duty bound to keep the name and identity of the victim secret and not disclose it in any manner except in the report which should only be sent in a sealed cover to the investigating agency or the court.
  7. An application by the next of kin to authorize disclosure of identity of a dead victim or of a victim of unsound mind under Section 228A(2)(c) of IPC should be made only to the Sessions Judge concerned until the Government acts under Section 228A(1)(c) and lays down a criteria as per Supreme Court's directions for identifying such social welfare institutions or organisations.
  8. In case of minor victims under POCSO, disclosure of their identity can only be permitted by the Special Court, if such disclosure is in the interest of the child.
  9. All the States/Union Territories are requested to set up at least one 'one stop centre' in every district within one year from today.
2. It is requested to ensure strict compliance of the directions of the Hon'ble Supreme Court.

Yours faithfully,



**(Sudhir Kumar Gupta)**  
**Deputy Secretary to the Govt. of India**  
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Email: [dirsr@nic.in](mailto:dirsr@nic.in)

Copy to:

- (i) Principal Secretary (Home) of all States/UTs.
- (ii) Director General of Police of all States/UTs.

Copy also to:

- (iii) The Secretary, Department of Legal Affairs, Ministry of Law and Justice, Shastri Bhawan, New Delhi\*.  
(\* with a request to circulate this judgment to the Registrar General of all the High Courts as per the direction of Hon'ble Supreme Court at para-44.)
- (iv) Asstt. Registrar , PIL (Writ), Supreme Court of India, New Delhi.
- (v) Director, National Crime Records Bureau, NH-8, New Delhi - 110037.
- (vi) Director General, Bureau of Police Research & Development, Ministry of Home Affairs, NH-8, Mahipalpur, New Delhi-110037.
- (vii) SO(IT) for uploading on MHA's website.

Yours faithfully,



**(Sudhir Kumar Gupta)**

**Deputy Secretary to the Govt. of India**

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PI. info all SSI also  
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