

ITEM NO.7 Court 2 (Video Conferencing) 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

Writ Petition(s)(Criminal) No(s).310/2020

KIRTI AHUJA & ANR. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and IA No.103297/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.103298/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 02-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Petitioners-in-person

For Respondent(s)

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

The Court is convened through Video Conferencing.

The application for permission to appear and argue in person is allowed.

The application for exemption from filing affidavit is also allowed in terms of the prayer made.

This is a petition filed by the petitioners, who have appeared in person, under Article 32 of the Constitution of India praying for the following reliefs:

"A. Issue writ, order or direction to the respondents to bring certain reforms and amendments in the law to make it more stringent and deterrent in cases of rape with grievous injury, gang rape and rape/gang-rape with murder :-

I. By making stringent provisions of bail for such accused as are in the case of offences under special Enactments like POCSO, PMLA and NDPS;

- II. By giving rape victims the right to appoint lawyer of their choice having all powers like that of a defence lawyer by making amendment in Section 301 Cr.P.C.;
- III. By bringing separate legislation like that of POCSO to deal with cases of rape with grievous injury, gang rape and rape/gang-rape with death;
- IV. By making and implementing the provision of Fast Track Court for such cases not only at the Trial level but also at Appellate Stage and to implement the Amendment made in Section 173 and 309 Cr.P.C. in 2018 in its right perspective;
- V. By changing the provision of right to appeal of accused in such heinous cases, by giving them only one opportunity of right to Appeal either in High Court or in Supreme Court;
- VI. By bringing the provision of reverse onus on the accused in such rape cases as it is in cases of POCSO under Section 29 and 30 of the Act;
- VII. By making stringent provisions for punishment to police officials for intentionally making lapses in investigation by not following the law in such cases;

B. Issue strict guidelines and directions for proper implementation of the existing rape-laws including the proposed suggestions detailed in Para 17 of this petition along with strict action to be taken against non-implementation of such laws;

C. Issue Writ, order or Direction to the respondents for proper implementation of guidelines already issued by this Court in regard to protection of identity of rape victims along with making people aware about the guidelines of this Court as well as Section 228A IPC by way of Advertisements and Disclaimers;

D. Issue Writ, Order or Direction to the respondents for introducing a compulsory subject on Gender Sensitization, moral and sex education in curriculum of school. "

Having heard the petitioners-in-person and perusing the averments made in the petition, we appreciate the efforts made by the petitioners-in-person but do not think it proper to give any direction to the Government to legislate.

However, we grant liberty to the petitioners-in-person to make a representation to the Ministry of Home Affairs, Ministry of Law and Justice and Ministry of Women and Child Development regarding the issues raised in the instant petition.

We hope and trust that the respondents shall consider the same and take appropriate action on that.

With the aforesaid liberty, the writ petition stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(BEENA JOLLY)
COURT MASTER