

HIGH COURT OF DELHI AT NEW DELHI

No.101/Rules/DHC

Dated: 04.10.2023

PRACTICE DIRECTIONS

In compliance of the directions passed by this Court in Judgment dated 19.04.2023 in Bail Application No. 3635/2022 titled "*Saleem vs. The State of NCT of Delhi & Anr.*", the following directions are hereby issued for compliance by all concerned:-

1. The Registry must carefully scrutinise all filings relating to sexual offences, 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. The Registry must ensure that such particulars do not get reflected in the cause-list of the court in any manner;
3. 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;
4. Since redaction of the identifying particulars of the prosecutrix/victim/survivor from the FIR, chargesheet, proceedings before the trial court and other similar records, is the duty and obligation of the authorities/court that prepare such documents; and insofar as the proceedings before this court are concerned, making complete redaction in each of those documents may not be feasible, it is also directed that the files/paper-books/e-portfolio of matters relating to sexual offences filed in this court must not be provided to any person other than the parties to the litigation, to the prosecutrix/victim/survivor and their respective counsel, after due verification of the identity credentials of such persons;
5. At the stage of scrutiny of the filings, in the event the Registry finds that the identity credentials of a prosecutrix/victim/survivor are disclosed in the memo of parties or anywhere else in the filings, such filings must be returned to counsel who have filed the same, to undertake requisite redactions, before the filings are accepted;
6. To obviate the 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 Investigating Officer in accordance with Practice Directions dated 24.09.2019 and not through the process

serving agency, though a copy of the petition or application must be served upon the prosecutrix/victim/survivor;

7. In effecting service as aforesaid, the Investigating Officer must remain in 'plain clothes' so as to avoid any unwarranted attention;
8. Furthermore, the Investigating Officer must also inform the prosecutrix/victim/survivor that they have the right to free legal-aid/representation in accordance with the mandate of the Hon'ble Supreme Court passed in Delhi Domestic Working Women's Forum vs. Union of India & Ors (W.P. (Crl) No. 362 of 1993);
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.
10. 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

Sd/-

(RAVINDER DUDEJA)
REGISTRAR GENERAL