

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

SUO MOTU WRIT PETITION (CRIMINAL) NO. 2 OF 2024

(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATIONS NO. 185498, 185545, 185565, 185574, 185851, 187639, 187643, 187656, 187814, 187964, 188278, 188323, 188328, 188500, 190235, 192100, 192250, 192908, 194010, 195966, 198027, 198082, 199008 199127, 199662, 199832, 199836, 200097, 20160, 202450, 203944, 205860, 206035, 206745, 207472, 209463, 213387, 214099, 216487

AND 224019 OF 2024

(Application for Intervention)

WITH

INTERLOCUTORY APPLICATION Nos. 187646, 187971, 187974, 190236, 192097, 192251, 192912, 199837, 200098, 20117, 200162, 205856, 213698, 213939 AND 216488 OF 2024

(Application for Direction)

WITH

INTERLOCUTORY APPLICATION Nos. 187637, 197285, 199834, 199839, 203687, 214172 AND 223279 OF 2024

(Application for permission to file additional Documents)

WITH

INTERLOCUTORY APPLICATION DIARY Nos. 185169, 185161 AND 194183 OF 2024

(Application for Intervention)

WITH

INTERLOCUTORY APPLICATION Nos. 187815, 199010, 199128 AND 207518 OF 2024

(Application for Permission to Appear And Argue In Person)

WITH

INTERLOCUTORY APPLICATION DIARY No. 194189 of 2024

(Application for Permission to Appear And Argue In Person)

WITH

INTERLOCUTORY APPLICATION Nos. 214173 AND 216490 OF 2024

(Exemption from filing OT)

WITH

INTERLOCUTORY APPLICATION No. 214175 OF 2024

(Exemption from filing signed/attested/notarized affidavit)

WITH

INTERLOCUTORY APPLICATION No. 216527 OF 2024

(Addition / Deletion / Modification Parties)

WITH

WRIT PETITION (CRIMINAL) NO. 351 OF 2024

**In Re: Alleged Rape And Murder Incident of A Trainee Doctor In R.G.
Kar Medical College And Hospital, Kolkata And Related Issues**

OFFICE REPORT

The Suo Moto Writ Petition was listed before the Hon'ble Court on 17.09.2024 with Office Report dated 13.09.2024 respectively, when the Court was pleased to pass, inter alia, the following order:

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*"3 A letter dated 12 September 2024 addressed by the father of
the deceased to the Investigating Officer of the CBI has been*

shared with the Court. The letter expresses the genuine concerns of the parents of the deceased and contains specific inputs on certain aspects on which investigation should be conducted by the CBI. Bearing in mind the genuine concern of the parents of the deceased, we are of the view that the inputs which have been furnished by the father of the deceased in his letter dated 12 September 2024 should be duly taken note of by the Investigating Officer so that appropriate modalities, if CBI deems it fit, are followed to explore the leads which have been indicated in the letter. Further, responding to the request of the father of the deceased, Mr Tushar Mehta, Solicitor General has assured the Court that CBI would maintain contact with the parents and would keep them informed hereafter so as to assuage their concerns in regard to the investigation.

xxxxx xxxxx xxxxx xxxxx

"6 Having perused the letter dated 12 September 2024 of the father of the deceased, at this stage, it may be material to note that many of the concerns which have been expressed in the letter form the subject matter of the active investigation which has been pursued by the CBI. However, nonetheless, a copy of the entirety of the communication would be made available to the CBI so that it can follow an appropriate line of investigation as required in the interest of justice.

7 During the course of the hearing, the Court has been apprised of the fact that the Wikipedia still continues to maintain on its website the name of the deceased. The provisions of Indian law are clear in this respect. In the interest of maintaining the dignity and privacy of the deceased, the governing principle is that the identity of the deceased in a case involving alleged rape and murder should not be disclosed. The Wikipedia shall therefore take steps to comply with the previous order and the injunction which has been issued in the present order forthwith.

xxxxx xxxxx xxxxx xxxxx

10 What is of critical importance at the present point of time is that a participatory process should be followed by the State government so that the concerns of all the doctors, both senior and junior doctors, are duly taken into account. To facilitate this, we have suggested to the State of West Bengal that a team consisting of (i) the Collector and District Magistrate for each district; (ii) the Superintendent of Police; (iii) the Principal of each medical college and hospital or, as the case may be, the Superintendent; and (iv) a representative each of the senior and junior doctors must be associated with the process so that the work which is being carried out for the construction of duty rooms, setting up of toilet facilities and installation of CCTV cameras takes place with their inputs in view. This has been agreed to by the State of West Bengal. The Court has been assured that the entirety of the work shall be carried out within a period of two weeks from the date of this order.

xxxxx xxxxx xxxxx xxxxx

16 We find merit in the request which has been made by the

Junior Doctors' Front in terms of prayers (f) to (i) and direct that the State government should consider the request and take steps, if not already taken. More specifically the steps which need to be taken by the State government are for:

(i) The formation of a broad based Monitoring Committee in each hospital consisting of the administration, academics, doctors, nurses and other health care staff to deal with safety issues;

(ii) The formulation of a confidential Grievance Redressal system in every hospital for the redressal of grievances of students, doctors and other staff;

(iii) The formation of Internal Complaints Committees in accordance with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; and

(iv) The setting up of counselling centers in every hospital with qualified professionals, particularly from the Psychiatric and Psychology departments to deal with the issues of stress faced by doctors in the course of their duties.

Each of these aspects would merit serious consideration. We impress upon and direct the State of West Bengal to take remedial action, if not already done, within a period of three days from the date of this order.

xxxxx xxxxxx xxxxxx xxxxxx

20 List the Petition on 27 September 2024.

It is submitted that certified copies of the Order dated 17.09.2024 was sent to the concerned parties.

It is further submitted thereafter, the following Interlocutory Applications have been filed.

S.No.	I.A. Nos.	IA. for	On behalf of	Filed on	Filed by Mr./Mrs
1	213387/2024	Intervention	Applicant (Tilottama Trust,)	18.09.2024	Kmnp Law AOR,
2	213698/2024	Direction	West Bengal Junior Doctors Front	18.09.2024	Ibad Mushtaq, Adv.
3	213939/2024	Direction	Applicant(Dr. Atam Parkash Setia And Ors.)	18.09.2024	Siddharth Batra, Adv.
4	214099/2024	Intervention	Applicant (Dr. Sachin Somanath Balkunde & Anr.)	18.09.2024	Omanakuttan K. K., Adv.
5	214172, 214173 and 214175 of 2024	-Permission to file additional documents -Exemption from filing OT -Exemption from filing signed/attested/notarized affidavit	Applicant (Shantanu Ghosh)	18.09.2024	Shantanu Ghosh, Applicant in Person.
6	216487, 216488 and 216490 of 2024	- Intervention -Direction -Exemption from filing OT	Applicant(Anamika Pandey)	20.09.2024	Siddhartha Sinha, Adv.
7	216527/2024	Addition / Deletion / Modification Parties	Applicant(Suvendu Adhikari)	20.09.2024	Siddhesh Shirish Kotwal, Adv.
8	223279/2024	Permission to file additional documents	Applicant(Residents Doctors Associations, AIIMS)	26.09.2024	Ravi Raghunath, Adv.
9	224019/2024	Intervention	Light Life Freedom(N.G.O)	27.09.2024	Filza Moonis, Adv.

All the documents mentioned at Sl. Nos. 1 to 7 are placed in a separate

volume with the Paper Books and documents mentioned at Sl. Nos. 8 and 9 are being circulated before the Hon'ble Court.

It is further submitted that the following documents have been filed, so far:

S. No.	Type of Documents	Filed By Adv./Applicant in Person.	Filed On/Received on	On Behalf of Petitioner/Applicant
1.	Compliance Report	Registrar General, Calcutta High Court	18.09.2024	High Court of Calcutta
2.	Status Report	Aravindh S., Adv.	19.09.2024	U.T. of Puducherry
3.	Compliance Affidavit	Abhimanyu Tewari, Adv.	18.09.2024	State of Arunachal Pradesh
4.	Affidavit to Bring to Record Facts	Subhro Prokas Mukherjee, Adv.	18.09.2024	Joint Platform of Doctors, West Bengal
5.	Affidavit	Secretary(Health), UT of Lakshadweep	25.09.2024	UT of Lakshadweep

All the documents mentioned at Sl. Nos. 1 to 3 are placed in a separate volume with the Paper Books and documents mentioned at Sl. Nos. 4 and 5 are being circulated before the Hon'ble Court.

It is lastly submitted that no further document has been filed, so far.

The Suo Moto Writ Petitions alongwith Interlocutory Applications above-mentioned are listed before the Hon'ble Court with this Office Report for orders.

Dated this the 27th day of September, 2024.

sd/-
Assistant Registrar