

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)

(With appln(s) for amendment of prayer portion)

Date: 17/07/2013 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

Mr. F.S. Nariman, Sr. Adv.

Mr. Anand Grover, Sr. Adv.

For Respondent(s) Mr. Goolam E. Vahanvati, A.G.
Nos.2 & 3 Mr. Sidharth Luthra, ASG
Mr. Satya Siddiqui, Adv.
Mr. S.K. Mishra, Adv.
Ms. Rekha Pandey, Adv.
Mrs. Anita Sahani, Adv.
Ms. Supriya Juneja, Adv.
Mr. Gurmohan Singh Bedi, Adv.
Mr. D.S. Mahra, Adv.For R-1/High Court Mr. Annam D.N. Rao, AOR
of Delhi

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 was filed by two learned Advocates of this Court, Ms. Binu Tamta and Ms. Vibha Datta Makhija, for certain reliefs on the basis of a newspaper report, which had reported about an incident which occurred in Delhi High Court, alleging that an employee of the High Court had been filming lady advocates in the chamber toilet.

The filing of the writ petition led to the question of the formation of a Committee as suggested by this Court in Vishaka and Others vs. State of Rajasthan and Others 1997(6) SCC 241. This led to the further suggestion that proper Regulations be framed in regard to gender sensitisation and to prevent sexual harassment of women at the Supreme Court of India and in other courts as well. In our order dated 23rd April, 2013, we had constituted a sub-Committee with Mr. Fali S. Nariman, learned senior Advocate, as the Chairperson thereof, to look into the reports submitted by Ms. Asha Menon in her capacity as Member Secretary of the National Legal Services Committee and also to look into the draft rules prepared by Ms. Vibha Datta Makhija and, thereafter, to submit a comprehensive set of draft rules on the basis of which orders could be passed.

Such a Report was submitted before us in its draft form and after thorough discussion, the Committee was requested to make certain additions and alterations and now finally the Regulations referred to as - The Gender Sensitisation & Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal) Regulations, 2013, have been placed before us in its final form. The said Regulations have also been considered by the learned Attorney General, as also the learned Additional Solicitor General, Mr. Sidharth Luthra. All the learned counsel are agreeable that the Regulations, in their present form, may be accepted and appropriate orders may be passed thereupon.

We too have gone through the Regulations and find them to be suitable to tackle the menace of sexual predation in the Court precincts for the present. The same may require changes, if necessary, based on future experience.

We, accordingly, approve of and accept the aforesaid Regulations and direct the Supreme Court in its administrative jurisdiction to take note of the same and to arrange that the same are promulgated and given wide publicity. Copies of the same be sent to the different High Courts in the different States, so that they too may formulate their own Regulations in the same manner, in order to contain harassment of women in court premises. The High Courts may also ensure that the same are implemented at the District level as well.

One of the prayers in the writ petition is for issuance of a mandamus to the respondent No.4 and all the High Courts and subordinate courts to draft and notify its rules for prevention of sexual harassment in court premises, inter alia, providing for permanent internal committees with effective punishment powers of the delinquent, for providing safe working environment for women and matters ancillary thereto. The said prayer is, in fact, covered by the directions given herein-above and may, therefore, be followed in its essence and spirit by all the courts concerned.

The writ petition is disposed of accordingly. What remains to be recorded is our appreciation, first to the two petitioners for having taken the initiative of bringing this matter to the notice of this Court, and then to Mr. Fali S. Nariman and Mr. Anand Grover, learned senior Advocates, and the other Members of the Committee, along with the learned Attorney General and the learned Additional Solicitor General, for extending their help and expertise in framing these Regulations, which we are certain will be acted by all concerned with the seriousness they deserve.

We also express our appreciation of Ms. Asha Menon's efforts in providing necessary support as a Member of the Committee towards the framing of these Regulations.

|(Chetan Kumar)
|Court Master

|(Juginder Kaur)
|Assistant Registrar