

ITEM NO.21

COURT NO.9

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

SMW(CRL.) NO. 3/2015

IN RE: PRAJWALA LETTER DATED 18.2.2015  
VIDEOS OF SEXUAL VIOLENCE AND  
RECOMMENDATIONS & ANR.

Petitioner(s)

VERSUS

..... &amp; ORS.

Respondent(s)

(I.A NO. 105308/2020 IS LISTED  
Ms. N.S. Nappinai, Advocate (Amicus Curie)  
IA No. 105308/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 29-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)	Ms. Aparna Bhat, AOR Ms. Karishma Maria, Adv.  Ms. N.S. Nappinai, Amicus Curie
For Respondent(s)	Mr. Tushar Mehta, Ld. SG (NP) Ms. Aishwarya Bhati, Ld. ASG Mr. R. Balasubramanian, Sr.Adv. Ms. Swati Ghidiyal, Adv. Ms. Shivika Mehra, Adv. Ms. Shagun Thakur, Adv. Ms. Suhashini Sen, Adv. Ms. Priyanka, Adv. Ms. Sujta Bagadhi, Adv. Mr. Arvind Kumar Sharma, AOR  Ms. Aishwarya Bhat, Ld. ASG Mr. Balasubramanian, Adv. Ms. Priyanka, Adv. Mr. G.S. Makkar, Adv.  Mrs. K. Enatoli Sema, Adv. Ms. Limayinla Jamir, Adv. Mr. Amit Kumar Singh, Adv. Ms. Chubalemla Chang, Adv. Mr. Prang Newmai, Adv.

Mr. K.S. Padma Rao, Sr. Adv.  
Mr. Hitesh Kumar Sharma, Adv.  
Mr. Akhileshwar Jha, Adv.  
Ms. Niharika Dewivedi, Adv.  
Mr. T.S.R. Padma Priya, Adv.  
Ms. V.S. Subbi, Adv.

Mr. Samir Ali Khan, AOR  
Mr. Mukesh Kumar Maroria, AOR  
Mr. Chanchal Kumar Ganguli, AOR

Ms. Pallavi Kumar, Adv.  
Mr. Aniket Aggarwal, Adv.  
Mr. Divyam Agarwal, AOR

Mr. Abhimanyu Tewari, AOR  
Ms. Eliza Bar Advocate

Mr. P. S. Sudheer, AOR  
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Mr. Shridhar Y. Chitale, Adv.  
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Ms. Sujata Kurdukar, AOR

Mr. Gopal Prasad, AOR  
Mr. Nishant Ramakantrao Katneshwarkar, AOR

Ms. Astha Sharma, AOR  
Mr. Ravinder Singh, Adv.  
Ms. Raveesha Gupta, Adv.  
Ms. Mantika Haryani, Adv.  
Mr. Sanjeev Kaushik, Adv.  
Mr. Shreyas Awasthi, Adv.  
Mr. Devvrat Singh, Adv.

Mr. Avijit Mani Tripathi, AOR  
Mr. Upendra Mishra, Adv.

Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K. Joy, Adv.  
Mr. Alim Anvar, Adv.

Mr. Siddhesh Kotwal, Adv.  
Ms. Ana Upadhyay, Adv.  
Ms. Manya Hasija, Adv.  
Mr. Akash Singh, Adv.  
Mr. Nihar Dharmadhikari, Adv.  
Ms. Sampriti Baksi, Adv.  
Mr. Nirnimesh Dube, AOR

Mr. Aaditya Aniruddha Pande, AOR

Mr. Siddharth Dharmadhikari, Adv.  
Mr. Bharat Bagla, Adv.  
Ms. Kirti Dadheech, Adv.

Dr. Joseph Aristotle, Sr. Adv.  
Ms. Nupur Sharma, Adv.  
Mr. Shobhit Dwivedi, Adv.  
Mr. Sanjeev Kr. Mahara, Adv.  
Ms. Vaidehi Rastogi, Adv.

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Mr. Narendra Kumar, AOR  
Ms. Ruchira Goel, AOR  
Mr. Abhishek, AOR

Mr.S Sajan Poovayya, Sr. Adv.  
Ms. Ruley Singh Ahuja, Adv.  
Mr. Vishal, Adv.  
Ms. T. Karanjawala, Adv.  
Mr. Lakshya Khanna, Adv.  
Ms. Alivia, Adv.  
M/S. Karanjawala & Co., AOR

Mr. Kapil Sibal, Sr. Adv.  
Mr. Arvind Datar, Sr. Adv.  
Mr. Siddharth Luthra, Sr. Adv.  
Mr. Vivek Reddy, Sr. Adv.  
Mr. Tejas Karia, Adv.  
Ms. Binsy Susan, Adv.  
Mr. Mohit Singh, Adv.  
Ms. Ameer Rana, Adv.  
Ms. Akshi Rastogi, Adv.  
Ms. Mitali Daryani, Adv.  
Mr. Yash Karunakaran, Adv.  
Mr. Vishesh Sharma, Adv.  
Mr. S. S. Shroff, AOR

Mr. Raghvendra Kumar, Adv.  
Mr. Simanta Kumar, Adv.  
Mr. Narendra Kumar, AOR

Ms. Swati Ghildiyal, Adv.  
Ms. Deepanwita Priyanka, AOR

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

We have heard Ms. N.S. Nappinai, learned Amicus Curiae  
and learned counsel appearing counsel for the petitioners, Ms.

Aishwarya Bhati, learned Additional Solicitor General, Mr. Kapil Sibal, Mr. Sidharth Luthra and Mr. Arvind Datar, learned senior counsel appearing for the respondents.

One of the grievances raised by the learned counsel for the petitioner(s) is that though the portal is functioning, it is not functioning in the manner it is expected to function.

Learned Amicus Curiae states that though much has been done in the matter, there are various aspects with regard to which there was consensus, need to be addressed.

She further relying on the order of this Court dated 23.10.2017 submits that in so far as non-consensus issues are concerned, this Court has not closed the matter and is required to take into consideration the non-consensus issues also.

Vide order dated 23.10.2017, this Court has observed that the Court expect the parties, including the Government of India to abide by the recommendations on which there is consensus.

Learned Additional Solicitor General makes a statement that in so far as the consensual issues are concerned, the recommendations of the Committee have been accepted by the Union of India and there is due compliance with regard to the recommendations.

It is submitted by learned Amicus Curiae and learned

counsel for the petitioner(s) that though, as per the orders passed by this Court, they are Members of the Committee, after 2021 they have not been invited to participate in the proceedings of the Committee.

It is contended by learned Additional Solicitor General and all the learned counsel appearing for intermediaries that no such meeting has been held after the said date.

Be that as it may, since it is not an adversarial litigation, we find it appropriate that there should be one more meeting of the Committee of the experts appointed by this Court in which the learned counsel for the petitioners and the learned Amicus Curiae would be present. The Committee would specifically address the issue as to whether the earlier recommendations made by it, have been accepted by the Central Government or not. The Committee will also give its opinion with regard to the non-consensus issues.

We clarify that respondent Nos. 1 to 3 would be the officers, presently holding the office, which is named against the names of the individuals, in case they are transferred to some other posts.

In so far as the members at Sr. Nos. 7 to 10 and whatsapp are concerned, the respective intermediaries would be at liberty to nominate their representatives who are concerned with the issues.

The report of the Committee be submitted within a period of six weeks from today in a sealed cover to the Court.

List this matter on 01.02.2023 as part-heard at 2:00 p.m.

(DEEPAK SINGH)  
COURT MASTER (SH)

(ANJU KAPOOR)  
COURT MASTER (NSH)