

GOVERNMENT OF MEGHALAYA
OFFICE OF THE DIRECTOR GENERAL OF POLICE
MEGHALAYA :: :: SHILLONG

Letter No. C.13/2019/12

Dated Shillong the, 17th May 2019

From : **Shri. G. K. Iangrai, MPS**
Asstt. Inspector General of Police (A)
Meghalaya, Shillong

To : The President,
Shillong Press Club.

The Editor,
The Shillong Times/TNT-The Northeast Today/Meghalaya Guardian/Mawphor/U
Nongsain Hima/Meghalaya Times/Meghalaya Today/Shillong Today/ Peitngor/
Rupang/Salantini Janera/Batesi TV/Peitngor Cable News/Ri-Khasi/ T7 News

Sub : **Press release/Advisory-regarding.**

Sir/Madam,

In inviting reference to the subject cited above, I am enclosing herewith a brief write-up pertaining to statutory provisions of the country prohibiting disclosure of identity of victims of sexual offences and identity of juveniles in conflict with law. The same may kindly be published/broadcast in your esteemed daily/news channel, for information and awareness of the general public.

Yours faithfully,



(G. K. Iangrai, MPS)
Asstt. Inspector General of Police (A)
Meghalaya, Shillong.

PRESS RELEASE/ADVISORY

In today's day and age, both print and electronic media plays an important role in disseminating information to its readers and viewers about the current affairs of the state and country, especially about crimes that are occurring throughout. However, one aspect that needs to be approached humanely is the publishing/broadcasting of identity or any information pertaining to victims of sexual offences, or a child in need of care or protection and of juveniles in conflict with law, which at times are published/broadcast in print and electronic media. Disclosure of identities or any information which links to the identity of victims or juveniles is in contravention to the statutory jurisprudence, there are three statutory Acts which prohibits the disclosure of identity/information, which are the Indian Penal Code 1860, the Protection of Children from Sexual Offence Act, 2012 and the Juvenile Justice (Care and Protection of Children) Act, 2015.

Section 228 A of the Indian Penal Code which is about *Disclosure of identity of the victim of certain offences etc.* states that:

(1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 376, section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed (hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is—

(a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or

(b) by, or with the authorization in writing of, the victim; or

(c) where the victim is dead or minor or of unsound mind, by, or with the authorization in writing of, the next of kin of the victim: Provided that no such authorization shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called, of any recognized welfare institution or organization. Explanation.—For the purposes of this sub-section, “recognized welfare institution or organization” means a social welfare institution or organization recognized in this behalf by the Central or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such Court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine. Explanation.—The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this section.

Similarly, Section 23 of Protection of Children from Sexual Offence Act, 2012 which is about *Procedure for media*, also states that:

(1) No person shall make any report or present comments on any child from any form of media or studio or photographic facilities without having complete and authentic information, and without the consent of the child or his parents or guardian, who may be involved in an offence under this Act either as an accused or as a victim, which may have the effect of lowering his character or infringing upon his privacy.

(2) No reports in any media shall disclose, without the consent of the child or his parents or guardian, the identity of a child including his name, address, photograph, family details, school, neighbourhood or any other particulars which may lead to disclosure of identity of the child.

(3) The publisher or owner of the media or studio or photographic facilities shall be jointly and severally liable for the acts and omissions of his employee.

(4) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to be punished with imprisonment of either description for a period which shall not be less than one year but which may extend to two years or with fine or with both.

Section 74 of Juvenile Justice (Care and Protection of Children) Act, 2015 which is Prohibition on disclosure of identity of children, states that:

(1) No report in any newspaper, magazine, news-sheet or audio-visual media or other forms of communication regarding any inquiry or investigation or judicial procedure, shall disclose the name, address or school or any other particular, which may lead to the identification of a child in conflict with law or a child in need of care and protection or a child victim or witness of a crime, involved in such matter, under any other law for the time being in force, nor shall the picture of any such child be published:

Provided that for reasons to be recorded in writing, the Board or Committee, as the case may be, holding the inquiry may permit such disclosure, if in its opinion such disclosure is in the best interest of the child.

(2) The Police shall not disclose any record of the child for the purpose of character certificate or otherwise in cases where the case has been closed or disposed of.

(3) Any person contravening the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months or fine which may extend to two lakh rupees or both.

The Hon'ble High Court of India, in Nipun Saxena & ANR. Vs. Union of India & Ors. Writ Petition (Civil) No. 565 of 2012, had directed that ***"No person can print or publish in print, electronic, social media, etc. the name of the victim or even in remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large. In cases where the victim is dead or of unsound mind the name of the victim or her identity should not be disclosed even under the authorization of the next of kin, unless circumstances justifying the disclosure of her identity exist, which shall be decided by the competent authority, which at present is the Sessions Judge. FIRs relating to offences under Section 376, 376A, 376B, 376C, 376D, 376DA, 375DB or 376E of IPC and offences under POCSO shall not be put in the public domain."***

The Ministry of Information & Broadcasting 'A' Wing, Shastri Bhawan, Government of India, had in its letter to All Private Satellite Channels vide No. N-84/2017/-BC.III dated 10th Oct. 2018, had directed all private satellite TV channels to comply with this Ministry's Advisory dated 17.10.2013 and also to ensure compliance of Section 74 of the JJ Act, 2015 and Section 23 of the POCSO Act.2012.

The National Commission for protection of Child rights had in its handbook Handbook for Media Professionals, had issued guidelines of Media Reporting on Children approved by the Hon'ble High Court of Delhi, the main aim of the guidelines are ***"to secure and protect the rights of children and to set out the minimum parameters of responsibility to be borne by print and electronic media (hereinafter referred to as 'Media') in relation to reporting/broadcasting/publication of news/programs/documentaries etc. on and for children."***



(G. K. Jangrai, MPS)
Asstt. Inspector General of Police (A)
Meghalaya, Shillong.