

ITEM NO.42

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

SMW No(s). 2/2024

IN RE: ALLEGED RAPE AND MURDER INCIDENT OF A  
TRAINEE DOCTOR IN R.G. KAR MEDICAL COLLEGE AND  
HOSPITAL, KOLKATA AND RELATED ISSUES

Petitioner(s)

VERSUS

Respondent(s)

(FOR ADMISSION and IA No.185574/2024-INTERVENTION APPLICATION and IA No.190235/2024-INTERVENTION APPLICATION and IA No.194010/2024-INTERVENTION APPLICATION and IA No.185851/2024-INTERVENTION APPLICATION and IA No.194183/2024-INTERVENTION APPLICATION and IA No.185161/2024-INTERVENTION APPLICATION and IA No.192100/2024-INTERVENTION APPLICATION and IA No.187643/2024-INTERVENTION APPLICATION and IA No.188278/2024-INTERVENTION APPLICATION and IA No.192250/2024-INTERVENTION APPLICATION and IA No.185498/2024-INTERVENTION APPLICATION and IA No.188323/2024-INTERVENTION APPLICATION and IA No.187656/2024-INTERVENTION APPLICATION and IA No.187814/2024-INTERVENTION APPLICATION and IA No.188500/2024-INTERVENTION APPLICATION and IA No.187964/2024-INTERVENTION/IMPLEADMENT and IA No.187639/2024-INTERVENTION/IMPLEADMENT and IA No.185169/2024-INTERVENTION/IMPLEADMENT and IA No.185545/2024-INTERVENTION/IMPLEADMENT and IA No.188328/2024-INTERVENTION/IMPLEADMENT and IA No.192908/2024-INTERVENTION/IMPLEADMENT and IA No.185565/2024-INTERVENTION/IMPLEADMENT and IA No.192097/2024-MODIFICATION OF COURT ORDER and IA No.190236/2024-CLARIFICATION/DIRECTION and IA No.187815/2024-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.194189/2024-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.187646/2024-APPROPRIATE ORDERS/DIRECTIONS and IA No.192251/2024-APPROPRIATE ORDERS/DIRECTIONS and IA No.192912/2024-APPROPRIATE ORDERS/DIRECTIONS and IA No.187971/2024-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No.187974/2024-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No.187637/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 199834/2024 - APPLICATION FOR PERMISSION IA No. 199837/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No. 200162/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No. 192912/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No. 200117/2024 - APPROPRIATE ORDERS/DIRECTIONS IA No. 187646/2024 - APPROPRIATE

ORDERS/DIRECTIONS IA No. 192251/2024 - APPROPRIATE  
 ORDERS/DIRECTIONS IA No. 205856/2024 - APPROPRIATE  
 ORDERS/DIRECTIONS IA No. 190236/2024 - CLARIFICATION/DIRECTION IA  
 No. 187643/2024 - INTERVENTION APPLICATION IA No. 188278/2024 -  
 INTERVENTION APPLICATION IA No. 192250/2024 - INTERVENTION  
 APPLICATION IA No. 198082/2024 - INTERVENTION APPLICATION IA No.  
 203944/2024 - INTERVENTION APPLICATION IA No. 192100/2024 -  
 INTERVENTION APPLICATION IA No. 185851/2024 - INTERVENTION  
 APPLICATION IA No. 195966/2024 - INTERVENTION APPLICATION IA No.  
 185574/2024 - INTERVENTION APPLICATION IA No. 190235/2024 -  
 INTERVENTION APPLICATION IA No. 194010/2024 - INTERVENTION  
 APPLICATION IA No. 199832/2024 - INTERVENTION APPLICATION IA No.  
 187814/2024 - INTERVENTION APPLICATION IA No. 188500/2024 -  
 INTERVENTION APPLICATION IA No. 187656/2024 - INTERVENTION  
 APPLICATION IA No. 205860/2024 - INTERVENTION APPLICATION IA No.  
 185498/2024 - INTERVENTION APPLICATION IA No. 188323/2024 -  
 INTERVENTION APPLICATION IA No. 199127/2024 - INTERVENTION  
 APPLICATION IA No. 200097/2024 - INTERVENTION APPLICATION IA No.  
 187639/2024 - INTERVENTION/IMPLEADMENT IA No. 198027/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 199836/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 202450/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 187964/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 200160/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 185565/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 199662/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 206035/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 185545/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 188328/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 192908/2024 -  
 INTERVENTION/IMPLEADMENT IA No. 192097/2024 - MODIFICATION OF COURT  
 ORDER IA No. 187815/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON  
 IA No. 199128/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON IA  
 No. 199839/2024 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES IA No. 203687/2024 - PERMISSION TO FILE  
 ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 187637/2024 -  
 PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No.  
 197285/2024 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES IA No. 187974/2024 - PERMISSION TO FILE  
 APPLICATION FOR DIRECTION IA No. 187971/2024 - PERMISSION TO FILE  
 APPLICATION FOR DIRECTION IA No. 200098/2024 - PERMISSION TO FILE  
 APPLICATION FOR DIRECTION)

WITH

W.P.(Crl.) No. 351/2024 (PIL-W)  
(FOR ADMISSION)

Date : 30-09-2024 These matters were called on for hearing today.

**CORAM : HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s)** Mr. Sanjay R.hegde, Sr. Adv.  
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Mr. Ankit Tiwari, Adv.  
Mr. Shahrukh Ali, Adv.  
Mr. Tanay Hegde, Adv.

**By Courts Motion, AOR**

**For Respondent(s)** Applicant-in-person, AOR

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Mr. Arkaj Kumar, Adv.  
Mr. Arvind Kumar Sharma, AOR

Mr. Anup Kumar, AOR  
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Mr. Akshat Singh, Adv.  
Mrs. Neha Jaiswal, Adv.  
Ms. Pragya Choudhary, Adv.  
Ms. Shruti Singh, Adv.

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Mr. Madhav Sinhal, Adv.

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Mr. Tejasvi Gupta, Adv.  
Mr. T.illayarasu, Adv.

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Mr. Arman Sharma, Adv.  
Ms. Yeshashvi Shrivastav, Adv.  
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Ms. Devika Tulsiani, Adv.  
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Ms. Mugdha Pande, Adv.  
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Ms. Mugdha Pande, Adv.

Ms. Arya Jha, Adv.

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Mr. Amit Kumar Rana, Adv.

Mr. Kapil Sibal, Sr. Adv. (Not Present)

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Dr. Menaka Guruswamy, Sr. Adv.

Mr. Sanjay Basu, Adv.

Mr. Md. Abu Bakkar Dhali, Adv.

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Ms. Mantika Haryani, Adv.

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Mr. Utkarsh Pratap, Adv.

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Mr. Lavkesh Bhambhani, Adv.

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Ms. Sheejish Pt, Adv.  
Ms. Anjali Singh, Adv.  
Ms. Isha Singh, Adv.

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

1 The parents of the deceased have been disconcerted by repeated clips in the



social media containing her photographs and name. Besides these clips, videos have also proliferated in the social media.

- 2 The earlier order of this Court shall, it is clarified, not be confined only to Wikipedia but shall apply to all intermediaries. To reiterate, no intermediary shall allow or carry the publication of the name of the deceased, her identity, photographs or videos, either pertaining to the incident at the RG Kar Medical College or otherwise.
- 3 On the request of the Court, the Solicitor General has stated that the Ministry of Electronics and Information Technology (MEITY) shall nominate a nodal officer to whom any communication in relation to the unauthorised uploading of content or information pertaining to the deceased can be intimated so that necessary action can be taken with the intermediary concerned for pulling down such publication or dissemination.
- 4 A fourth status report dated 13 September 2024 by the DIG/Head of Branch Special Crime-I, Central Bureau of Investigation (CBI) has been submitted to the Court. The status report indicates several leads in the investigation which are being followed up by the CBI and the steps which have been taken in the course of investigation.
- 5 At this stage, when the investigation is in progress, it would not be appropriate to set down the details of the investigation or the leads which are being followed by the CBI since that would compromise the status and effectiveness of the investigation.
- 6 The CBI, as it appears before the Court, is conducting an investigation on two

facets :

- (i) The alleged rape and murder which took place on 9 August 2024 at RG Kar Medical College and Hospital; and
  - (ii) The allegations in regard to financial irregularities which were also entrusted for investigation by the CBI by the orders of a Division Bench of the Calcutta High Court.
- 7 Whether each of the above are disconnected features or whether there is a relationship between the two, will be investigated by the CBI.
- 8 During the course of the hearing, learned counsel appearing on behalf of the resident doctors as well as their associations have drawn attention to the fact that several persons against whom there are serious allegations of misdemeanour in the Medical College and Hospital are still occupying positions of authority. The status report which has been submitted by the CBI indicates that several of these aspects are still under investigation.
- 9 The submission of the doctors to the effect that persons in positions of responsibility in Medical College and Hospital should either be suspended or be directed to proceed on leave should be examined by the State Government as the appointing and disciplinary authority.
- 10 Mr Rakesh Dwivedi, senior counsel appearing for the State of West Bengal, has submitted that if the CBI shares with the State Government such preliminary material which would indicate the complicity of any person in position of authority in threatening or harassing the junior or senior resident doctors or

nurses, the State Government will duly take necessary action in accordance with law consistent with the Service Rules and Regulations.

- 11 The investigating team of the CBI shall also scrutinise whether the irregularities which are noticed in the context of the RG Kar Medical College and Hospital cover not just that Hospital and Medical College in question, but extends to other such institutions within or outside the State. Thereafter the Court may take a call on what further directions to the CBI would be required to ensure that the investigation covers other aspects which may travel beyond the incidents which have taken place at the RG Kar Medical College and Hospital.
- 12 The fresh application, being IA No 213387 of 2024, which has been filed in that regard is taken on the file. Details of the IA may be shared with the Investigating Officer of the CBI.
- 13 The Principal Secretary, Health, Government of West Bengal who is present in the course of the hearing, has informed the Court that following the incident which took place on 9 August 2024, the State Government has brought in two officers as the Principal of the Medical College and Hospital and as the Medical Superintendent and Vice-Principal. These officers are :
  - (i) Prof Dr Manas Banerjee, who was earlier posted as Principal at the Barasat Medical College; and
  - (ii) Prof Dr Sapatarashi Chatterjee, who was previously posted as the Medical Superintendent and Vice-Principal, Bankura Medical College.
- 14 The status report which has been submitted by the State of West Bengal

indicates the following position in regard to the ongoing work for installing security equipments and upgrading the facilities at 28 medical colleges :

<b>“Category of Work</b>	<b>Additional Demands placed</b>	<b>Sanctioned work started</b>	<b>Percentage of work completed</b>	<b>Remaining works to be completed within (Date)</b>
Duty Room	893	893	49%	31.10.2024
Wash Room	724	724	40%	31.10.2024
Lighting arrangement	4348	4348	33%	25.10.2024
CCTV	6178	6178	26%	31.10.2024”

- 15 As regards the status of the work at the RG Kar Medical College and Hospital, the status report is in the following terms :

<b>“Category of Work</b>	<b>Additional Demands placed</b>	<b>Project sanctioned</b>	<b>Present status of work execution</b>	<b>To be completed by</b>
Duty Room	71	71	Tender matured; the Principal sought approval from the Investigating Agency to commence work	31.10.2024
Wash Room	45	45	-Do-	22.10.2024
Lighting arrangement	250	250	Work completed (40%)	25.10.2024
CCTV installation	575	575	255 installed (45%)	20.10.2024”

- 16 Though the State has indicated that the remaining work will be completed within a time frame of 31 October, the Court has been assured that the State would make all endeavour to completed the work by 15 October 2024.
- 17 The State shall positively ensure that the work is completed by 15 October 2024
- 18 Ms Indira Jaising, senior counsel appearing on behalf of the Resident Doctors made a solemn statement that pursuant to the hearing which took place in court on the last occasion, all doctors have rejoined their duties. Responding to the statement of Mr Rakesh Dwivedi, senior counsel appearing on behalf of the State of West Bengal that the doctors are not performing IPD and OPD duties, Ms Jaising categorically stated that all the doctors are performing all essential and emergency work including IPD and OPD work.
- 19 List the Petitions on 15 October 2024 at 2.00 pm.
- 20 The Solicitor General shall place on the record the outcome of the proceedings before the National Task Force and indicate the progress which has taken place.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**