

ITEM NO.32

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

Suo Moto Writ (Criminal) No.2 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

(With 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. 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.199837/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No.200162/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No.190236/2024 - CLARIFICATION/DIRECTION, 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. 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. 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. 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. 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.200098/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No.187974/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No.187971/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH W.P.(CrI.) No.351/2024 (PIL-W)

Date : 15-10-2024 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

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By Courts Motion

WPR 351/2024

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

- 1 In the 5th Status Report dated 15 October 2024 submitted by the DIG/Head of Branch, Special Crime-I, CBI, it has been stated that on the basis of the investigation conducted thus far, a charge-sheet has been submitted on 7 October 2024 for alleged offences punishable under Sections 64, 66, 103(1) of the Bharatiya Nyaya Sanhita 2023 against accused, Sanjay Roy.
- 2 By an order dated 7 October 2024, the ACJM, Sealdah, Kolkata has taken cognizance and committed the case to the Court of the Additional Sessions Judge, 1st Court, Sealdah. The hearing for consideration on charge has been fixed on 4 November 2024.
- 3 The Status Report filed by the Central Bureau of Investigation¹ indicates that further investigation into the role of others in relation to the alleged rape and

1 “CBI”

murder on 9 August 2024 is the subject matter of the continuing investigation. The CBI has also received communications pertaining to certain aspects which have been highlighted by the parties appearing in the present proceedings through their counsel. Those matters are also being looked into by the CBI.

- 4 The CBI has further highlighted the developments which have taken place in the course of the investigation in the case of financial irregularities in RG Kar Medical College and Hospital, Kolkata, which is being investigated in FIR No RC 0102024A0007.
- 5 The further investigation, both in respect of the incident which took place on 9 August 2024 and in regard to the alleged financial irregularities, shall continue. The Court shall be apprised of the further status of the investigation in that regard in the status report to be submitted to this Court within a period of three weeks.
- 6 Both Mr Tushar Mehta, Solicitor General and Ms Vrinda Grover, counsel have stated that the CBI has been actively in contact with the parents of the deceased and have kept them apprised of the progress of the investigation. The Court is also apprised of the fact that MEITY has nominated a nodal officer who is in contact with the parents of the deceased so that any offending material uploaded on any intermediary platform can be immediately pulled down.
- 7 Pursuant to the order of this Court dated 20 August 2024, the Union Government issued an Office Memorandum on 21 August 2024 constituting a National Task Force². At the first meeting of the NTF, which was held on 27 August 2024, four Sub-Groups have been constituted to engage with stakeholders and to prepare their recommendations on the following issues:

2 “NTF”

- (i) Strengthening infrastructure of medical institutions;
 - (ii) Strengthening security systems in medical institutions;
 - (iii) Revamping working conditions of health care professionals; and
 - (iv) Strengthening of legal framework across all States.
- 8 A meeting of all the Convenors and Member Secretaries of the Sub-Groups was held on 9 September 2024. Pursuant to the directions which were issued on 22 August 2024, a web link has been created on the website of the Ministry of Health and Family Welfare for seeking inputs of various stakeholders. About 1,700 inputs and suggestions have been received, comprising of 37 associations and 1500 individuals, including hospitals.
- 9 Pursuant to the directions contained in the judgment dated 20 August 2024, the Ministry of Health and Family Welfare has shared a questionnaire to all the States/Union Territories/Central and State government hospitals. In pursuance thereof, 7,688 hospitals/medical establishments have submitted their responses. These are being evaluated by the Sub-Groups. Neither the National Task Force nor the Sub-Groups have made any substantial progress in pursuant of the remit set in the order of this Court. The Solicitor General has accepted that no meeting appears to have been held since the first week of September 2024.
- 10 We are of the view that the Union Government must make pro-active efforts to ensure that the work of the Task Force is completed within a reasonable period in the future. Accordingly, the meetings of the NTF shall be held at regular intervals. All Sub-Groups shall hold regular meetings so that by the next date of listing, this Court is apprised of the tentative recommendations of the NTF including its Sub-Groups. This exercise should preferably be completed within a period of three weeks.

- 11 An affidavit has been filed by the Principal Secretary in the Department of Family Welfare, Government of West Bengal. The affidavit indicates that the State Government has sanctioned work worth Rs 123 crores, of which a substantial part has been completed. The up-dated status of the ongoing and completed work for twenty-eight medical colleges has been tabulated thus:

Category of work	Additional Demands placed	Work started	Works completed	Remaining works to be completed within (Date)
Duty Room	803	822	733 (90%)	The remaining works pertains only to RGKMC. As NOC from CBI has been received only on 09.10.24. Remaining works shall get completed within 10.11.24.
Wash Room	724	642	627 (98%)	- Do -
Lighting arrangement	4,348	4,098	3,835 (94%)	25.10.24
CCTV installation	6,178	6,178	6,054 (98%)	15.10.24

- 12 As regards the status of the ongoing work in RG Kar Medical College and Hospital is concerned, the affidavit contains the following tabulation:

Category of work	Additional Demands placed	Work started	Works completed	Remaining works to be completed within (Date)
Duty Room	71	71	Tender matured; the Principal sought approval	10.11.24

			from the Investigating Agency to commence work urgently. Three reminder letters were issued to CBI. On 09.10.24, CBI has given its NOC subjected to necessary clearance from Kolkata Police. Based on the NOCs, appropriate and necessary action has already been taken to ensure that the works are completed at the earliest.	
Wash Room	45	45	- Do -	10.11.24
Lighting arrangement	250	250	Works completed - 100 (40%)	25.10.24
CCTV installation	575	575	Installed 515 (89%)	15.10.24

- 13 Mr Rakesh Dwivedi, senior counsel appearing on behalf of the State of West Bengal has assured the Court that the short fall in the work in the twenty-eight medical colleges would in any event be completed by 25 October 2024 and at the RG Kar Medical College and Hospital by 31 October 2024.
- 14 Apart from the above steps, it has been indicated that the State Government has constituted:
- (i) A State Level Grievance Redressal Committee;
 - (ii) A State Level Committee for Security Audit; and
 - (iii) A District Level Committee for Security Audit.
- 15 It has been stated that an initial round of security audit has been completed. An additional 1,514 security personnel have been approved for deployment in the medical colleges and hospitals, of which 910 would be female security

personnel. The verification of antecedents and necessary training is stated to have been completed in the case of 616 security personnel (comprising of 328 female and 228 male security personnel).

- 16 Apart from the above steps, the affidavit indicates that the State government has, by an order dated 1 October 2024, reconstituted the Rogi Kalyan Samiti of different medical colleges and has rolled out an Integrated Hospital Management System³ which has 1,013 government hospitals reporting thereon. It has been stated that IHMS envisages capturing every step of patient treatment through online OPD ticket booking, e-prescription, drug dispersal from drug stores and pharmacies and online discharge. The State government is also taking steps on a pilot basis for monitoring real time bed availability and an online centralized referral system. The Court shall be apprised within three weeks of the further progress which has been made in commissioning these facilities.
- 17 Since the IHMS is being rolled out by the State government and is expected to be completed by 1 November 2024, the State government shall take due steps to ensure that the IHMS, *inter alia*, factors in (i) the availability of free beds; (ii) the availability of expertise in the medical health facility; and (iii) the availability of doctors with the requisite specialization.
- 18 Mr Rakesh Dwivedi, senior counsel appearing for the State of West Bengal has assured the Court that the representatives of the State government are continuing to be in active contact with the doctors so that all steps which are being taken to upgrade the infrastructure will duly factor in the concerns of the doctors.
- 19 The State of West Bengal shall file an affidavit before the next date of listing explaining:

3 "IHMS"

- (i) The legal source of authority for the recruitment of Civic Volunteers in the State;
 - (ii) The modalities for recruitment;
 - (iii) The qualifications for recruitment;
 - (iv) The verification of antecedents which is carried out before recruitment is made;
 - (v) The institutions in which the Civic Volunteers are assigned duties; and
 - (vi) The payments made to Civic Volunteers, whether on a daily or monthly basis and the budgetary outlays in that regard.
- 20 The affidavit shall specifically disclose the selection process which is followed for the recruitment of the Civic Volunteers and the steps which have been taken to ensure that such Civic Volunteers do not operate in sensitive establishments, such as hospitals and schools, which may be particularly vulnerable to women and children. The affidavit shall specifically disclose whether any of the Civic Volunteers are assigned duties in or in connection with police stations or for the investigation of the crime.
- 21 Ms Indira Jaising and Ms Karuna Nandy, senior counsel seek to withdraw the prayers in their respective interlocutory applications with regard to the conduct of elections so as to enable the applicants to pursue such remedies as are available in law. Ordered accordingly.
- 22 The status report filed on behalf of the Kolkata Police is taken on the record.
- 23 List the Petition on 5 November 2024 at 3 pm.

(CHETAN KUMAR)

(SAROJ KUMARI GAUR)

A.R. -cum-P.S.

Assistant Registrar