

Press Release on Jorabagn case related post - Show cause

West Bengal Commission for Protection of Child Rights strongly condemns the Facebook post by Sri Sachin Singh Bharadwaj and the BJP leader Sri Rahul Singh where they clearly revealed the identity and name of the victim of the Jorabagan POCSO and murder incident. Not only that, Sri Bharadwaj tagged 9 people in his post and Sri Singh tagged 5 people. The Child Rights Commission has issued show cause notices to them in this matter.

WBCPCR has also sent show cause notice to Taaza News Channel where the photo of the deceased victim girl was telecast thus revealing her identity in public.

All these cases are considered as severe violations to Section 74 of Juvenile Justice (Care and Protection) Act, 2015 and Section 23(2) of POCSO Act, 2012, Section 228A of Indian Penal Code, Indian Constitution as well as articles of UNCRC.

POCSO Act 2012, Section 23

(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, which may have the effect of lowering his reputation or infringing upon his privacy.

(2) No reports in any media shall disclose, 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:

Provided that for reasons to be recorded in writing, the Special Court, competent to try the case under the Act, may permit such disclosure, if in its opinion such disclosure is in the interest 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 six months but which may extend to one year or with fine or with both.”

The Hon'ble Supreme Court Judgement (excerpts) (in this regard)

We have to deal with the important issue that even the dead have their own dignity. They cannot be denied dignity only because they are dead.

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 the 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.

WBCPCR

11.02.21