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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3719/2016**

**MITHILESH KUMAR PANDEY** ..... Petitioner

Through: Petitioner in person

versus

**UNION OF INDIA AND ORS.** ..... Respondent

Through: Mr.R.V.Sinha and Mr.A.S. Singh,  
Adv. for R-1 & R-2

Mr.Amit Anand Tiwari, Adv. for Indian  
Newspaper Society

Mr.Sanjay Ghose, ASC with Mr.Yash S.Vijay,  
Adv. for GNCTD

**CORAM:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE JAYANT NATH**

**ORDER**

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**04.05.2016**

1. The present public interest litigation is filed seeking multiple reliefs i.e. a direction to direct the respondent to investigate the mushrooming of prostitution rackets; a direction prohibiting the national dailies, online/digital portals from carrying solicitation/indecent advertisements; a direction to increase the number of Forensic Science Laboratories in Delhi and; a direction directing the respondent not to automatically arrest the suspect

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person in each and every case of alleged sexual offence without conducting a preliminary enquiry etc.

2. In a vaguely drafted petition the petitioner has made several contentions. It has been firstly urged that there is an organized prostitution racket with a practice of solicitation through several modes which must be investigated and eradicated. It is further urged that this organized prostitution racket has become a convenient mode for extorting money from affluent people and this modus operandi is thriving openly under the nose of legal enforcement agencies. Reference is also made to the International Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution by others, The Immoral Traffic (Prevention) Act, 1956 and The Indecent Representation of Women (Prohibition), Act 1986. Hence, it is urged that this Court should direct law enforcement agencies to reinforce effective and efficient mechanism to curb the practices of solicitation entailed through various modus operandi as stated by such organized prostitution rackets.

3. It is further urged that no automatic arrest should take place without conducting preliminary inquiry in cases of alleged sexual harassment. It is stated that on the basis of unreliable and unsubstantiated allegations in the case of sexual harassment, police automatically arrests the accused without any application of mind or conducting any preliminary enquiry. Reliance is placed on various judgments of the Supreme Court including ***Joginder Kumar vs. State of U.P., AIR 1994 SC 1349; Arnesh Kumar vs. State of***

***Bihar & Anr., (2014) 8 SCC 273; D.K.Basu vs. State of Bihar, (2005) 3 SCC 647.***

4. It is next urged that the identity of the accused should not be disclosed until the filing of the chargesheet by the police. It is stated that the unconstitutional automatic arrest inherently results in breach of the Fundamental Right to reputation guaranteed to an accused person as one of the ingredients of Article 21 of the Constitution. It is urged that the identity of the accused is normally disclosed prematurely to the media with photographs which is an infringement of the right of privacy conferred by Article 21 of the Constitution of India. Reference is made to Article 9 of the Universal Declaration of Human Rights, 1948 and the judgments of the Supreme Court in ***State of Bihar vs. L.K.Advani, (2003) 8 SCC 361*** and ***Smt.Kiran Bedi and Jinder Singh vs. Committee of Inquiry & Anr., AIR 1989 SC 714***. It is urged that assumption of innocence is a well established principle of law whereby an individual is presumed to be innocent unless proven guilty. Some examples are given to state that the stigma of an allegation of this nature fails to go even after the accused has been acquitted.

5. The petitioner further goes to state that under trials in India are kept in the same prison as convicts and that they are treated as convicts too. It is further urged that delay in trial causes a major human right issue because of which an under trial prisoner has to spend considerable period of time in prison. The petition is then replete with the so called reasons which contribute to delay in disposal of a case.

6. The Writ Petition comprises of disjointed submissions. Further, the petition is replete with general statements and fails to disclose any material facts which would persuade this Court to pass any direction in public interest. We see no grounds to pass any directions in the present Writ Petition. Granting liberty to the petitioner to file a proper petition with proper facts and appropriate contentions to support the prayers, we dismiss the present petition.

**CHIEF JUSTICE**

**JAYANT NATH, J**

**MAY 04, 2016**

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