

**Letter from Lawyers to the Hon'ble Chief Justice of Patna High Court and
other Hon'ble Judges**

**Need for urgent and systemic changes in the treatment of survivors of violent
sexual crimes in the Araria District Court, Bihar**

15th July, 2020

To

Hon'ble the Chief Justice of Patna High Court and other Hon'ble Judges:

**Subject: Need for urgent and systemic changes in the treatment of survivors
of violent sexual crimes in the Araria District Court.**

Lordships:

We, the undersigned are lawyers practicing in different places across the country, who also believe in creating a robust criminal justice system, which is responsive to the needs of survivors of violent sexual crimes. We have received news of a very disturbing incident in distant Araria, and involving a 22-year-old, who was violently gang-raped on July 6th, and her two caregivers/friends. While recording her S.164 statement on July 10th, the learned magistrate perceived her disoriented state of mind as a personal affront and remanded her (and her two caregivers) into custody for contempt of court. The three have been remanded into judicial custody in Dalsinghsarai Jail, about 240Kms from Araria. The survivor's details, including her father's name and full address have also been disclosed in the local press. The news reports cite the Court staff as having provided the details.

At this stage, we submit that even without going into the various versions of the event that will invariably be brought before your Lordships, there is a need to infuse the incident with some sensitivity and view it from that perspective: it was the fourth day since the incident of gangrape. The survivor 'A' was completely distraught and also very disoriented. She was not eating or sleeping, and also in physical pain. In the course of the four days, she had had to repeat her experience to sundry personnel, often only for voyeuristic purposes. She had been totally dependent, emotionally, on her caregivers since the incident, and they were also traumatized and exhausted. We respectfully submit that any perceived disrespect must be viewed from this perspective. Victims and their caregivers deserve extra care and sensitivity.

Rather than understanding the fragile state of the three people, they were first remanded to police custody. It may be pointed out that no Covid test was conducted on the survivor, even though she had been gang-raped by several strangers. Within hours, and while the

three were in police custody, exaggerated accounts of what had transpired during the proceedings were reported on electronic media, together with complete details about the survivor, including her father's name and her complete address. Shockingly, one such report also carries a photograph of the reporter sitting in the filing section and inspecting her file, with the court clerk and other staff looking on. [Annexure A]

The Reports published on July 11th in the local papers also state that no FIR has yet been filed in the 'contempt case'. It was only at around 12:30PM on July 11th that two witnesses were asked to sign on a blank arrest memo and they were informed that FIR no. 61/2020, Araria Mahila Thana, had been filed under the Contempt of Courts Act, which is not applicable to the magistrate's court; also under S.353 of the IPC (which is most implausible, even if we accept the facts at face value that the survivor had repeatedly demanded that the S.164 statement be read out to her by her caregiver and not by the learned magistrate since she could not understand him); Ss. 228 and 188 (both bailable). The three were produced in court and remanded into judicial custody to the District Jail in Dalsinghsarai, 240Kms away.

We submit that the remand into judicial custody is excessive and harsh given the circumstances. The survivor's emotional state is extremely fragile and we fear that the separation from her caregivers and incarceration will have an adverse affect on her health.

It has also resulted in the original case pertaining to gangrape (FIR 59/2020, Araria Mahila Thana) having been put on the backburner, while all attention is focused on the alleged contempt. In popular perception too, the survivor is being maligned: 'if she is 'bold' enough to raise her voice at the magistrate, then of course she is 'bold' enough to invite attention'. We pray that your Lordships intervene into the matter as it displays a complete lack of sensitivity to a victim of violent sexual crime and to her caregivers.

Signed by,

Sl. No.	Name	City/ Place of practice
1	Sr Adv Indira Jaising	Delhi Supreme Court of India
2	Adv Prashant Bhushan	New Delhi
3	Adv Vrinda Grover	Delhi
4	Sr Adv Rebecca John	Delhi
5	Sr Adv Mukul Talwar	New Delhi
6	Sr Adv Basant Kumar Choudhary	Patna High court
7	Adv N D Pancholi	Delhi
8	Adv Ashok Agarwal	Delhi
9	Sr Adv Gayatri Singh	Bombay High Court
10	Adv Samir Ali Khan	New Delhi
11	Adv Veena Gowda	Mumbai
12	Adv Shomona Khanna	Supreme Court of India

13	Adv Amit Anand Tiwari	Supreme Court of India
14	Adv Sumita Hazarika	New Delhi
15	Adv Susan Abraham	Mumbai
16	Adv Rachana Joshi Issar	Delhi
17	Adv Roma Malik	New Delhi
18	Adv Indira Unninnayyar	Delhi / High Court / Supreme Court / Trial Courts
19	Adv Anubha Rastogi	Mumbai
20	Adv Poonam Kaushik	Delhi District courts
21	Adv Flavia Agnes	Mumbai
22	Adv Vasudha Nagraj	Hyderabad
23	Adv Sheela Ramanathan	Bangalore
24	Adv Maharukh Adenwalla	Mumbai
25	Adv Nousheen Yousuf	Mumbai
26	Adv Nabeela Tareen	Srinagar
27	Adv Nanita Sharma	New Delhi
28	Adv Stanley John	Trivandrum
29	Adv Vinay K Sreenivasa	Bangalore
30	Adv Maitreyi Krishnan	Bangalore
31	Adv Raghavendra Kumar	Delhi
32	Adv Lara Jesani	Mumbai
33	Adv Mangla Verma	New Delhi
34	Adv Cheryl D'Souza	Delhi
35	Adv Apar Gupta	Delhi
36	Adv Pyoli Swatija	Delhi
37	Adv Piyush Kumar Pandey	Advocate on Record, Patna High Court
38	Adv Bijaya Chanda	Alipore Court, West Bengal
39	Adv Shalini Gera	High Court of Chhattisgarh at Bilaspur
40	Adv Isha Khandelwal	Bombay
41	Adv Nikita Agarwal	New Delhi
42	Arunima Bhattacharjee	New Delhi
43	Anand Darshan	New Delhi
44	Bulbul Das	New Delhi
45	Mary Mitzy Mayne	New Delhi
46	Nazia Parveen	New Delhi
47	Omanakuttan K K	New Delhi
48	Adv Payal Gaikwad	New Delhi
49	Ishita Yadu	Lucknow

50	Raja Rabbi Hussain	New Delhi
51	Veena Gowda	Mumbai
52	Shahab Ahmad	New Delhi
53	Bhoomika D. Pandhare	Thane
54	Eklavya Vasudev	New Delhi
55	Burjis Shabir	New Delhi
56	Adv Ekta Verma	New Delhi
57	Tanya Sharma	New Delhi
58	Amit kumar	New Delhi
59	Remya Raj	New Delhi
60	Ayush	New Delhi
61	Chandan Kumar	New Delhi
62	Dipika Sahani	Mumbai
63	Bharathan Chandrasekaran	Delhi University
64	Dhananjay	Varanasi
65	Sagarika Parab	Mumbai
66	Priyamwada Sinha	New Delhi
67	Abdul Gaffar Advocate	Delhi
68	Raghav Kacker	Delhi
69	Kumaresh Trivedi	Ahmedabad
70	Shailza	Chandigarh
71	Prachi Jain	Delhi
72	Amala Dasarathi	New Delhi
73	Abu Nasar	Patna High Court
74	Khushboo Pareek	New Delhi
75	Annie Jain	Guwahati/Bombay
76	Nand Kumar Sagar	Patna
77	Prajwal K Aradhya	Bangalore
78	Samhita Mehra	Mumbai
79	Sangram Chinnappa	Bombay
80	Bhakta Patnaik	Mumbai
81	Aditi	Himachal Pradesh
82	Priyanka shukla	Bilaspur, Chhattisgarh
83	Pranav arora	Delhi
84	Zarif	Noida
85	Rachna Bahadur Advocate	New Delhi
86	Afreen Khan	Mumbai
87	Philarisa Nongpiur	New Delhi

88	Rashmi Priya	Mumbai
89	Anunay arsh	Delhi
90	Vidushi Sood	Chandigarh
91	Adv Rahul Shrivastava	M P Highcourt, Jabalpur
92	Puja	New Delhi
93	Poorna R	Bangalore
94	Reena Rao	Delhi
95	Sneh Lata	Delhi
96	Shivani Purohit	New Delhi
97	Shreshtha Das	Delhi
98	Namrata Kabra	Maharashtra and Goa
99	Rudrajit Ghosh	Delhi NCR
100	Deo Narayan Sen	Araria
101	Ashok Mishra	Araria
102	Geeta Sajjanshetty	Kalaburagi
103	Arun Kunar	Araria
104	Divya Jyoti Sen	Araria
105	Ananya Mukherjee	Delhi
106	Akshansh Ankit	Patna
107	Nidhi Rani	Mumbai
108	Rajni Soren	Bilaspur, Chhattisgarh High Court
109	Syed Tabeer Riyaz	Delhi
110	Ishani	New Delhi
111	Pranav Menon	Advocate, Delhi
112	Ad. Suresh rathaur	Varanasi
113	Rakesh Shukla	Delhi
114	Tanvi	Delhi-NCR
115	Sandhya	Delhi
116	Poorva	Chandigarh
117	Muskan Singhal	Chandigarh
118	Liz Mathew	New Delhi
119	Shobha	Delhi
120	Divya Srinivasan	Delhi
121	Agam Sharma	New Delhi
122	Amber Fatmi	Delhi
123	Surya Sanjay	Bangalore
124	Abhiti	Delhi
125	Anupradha Singh, Advocate	Supreme Court of India, Delhi

126	Harshad	Delhi
127	Zarif	Noida
128	Dushyant X	Delhi
129	Piyush Ranjan	Patna/Patna High Court
130	Shivani Mamgain	Uttarakhand
131	Jeevika S	Delhi
132	Rahul Maurya	Delhi
133	Alpana malik	New delhi
134	Disha Kharbanda	New Delhi
135	Disha Wadekar	Delhi
136	Gayatri Suman	Bilaspur , chattisgarh
137	Shubhangi Singh	Lucknow
138	Mohammad Saad Khan	High Court of Delhi
139	Abeera Dubey	Mumbai
140	Qaseem	Lucknow
141	Shalu Nigam	Delhi
142	Rustam Kuraishi	Delhi
143	Kartavi	Delhi
144	Ishwari nishad advocate	Mahasamund
145	Shraddha	Hyderabad
146	Shruti	Delhi
147	Tanika Chandna	Delhi
148	Warisha Farasat	New delhi
149	Siddhartha Basu	Delhi/Bangalore
150	Shantanu	Delhi
151	Harsh Parashar	New Delhi
152	Soumya Mehrotra	Delhi
153	Sohail	Delhi
154	Kamlesh Kumar Mishra	Supreme court of India
155	Aarushi mahajan	Delhi
156	Adv Priyanka singh	Delhi,Saket court
157	Amita joseph	New delhi
158	SHYNA P A	High Court of Kerala
159	Kshatrshal Raj	Delhi/Supreme Court of India
160	Ritika chatterjee	Karnataka
161	Irshaan S. Kakar	New Delhi/ Chandigarh
162	Nishant Kumar	Patna and Delhi
163	Rachita Padwal	Mumbai

164	Kunal tiwary	Patna high court
165	Nayantara Roy	Delhi
166	Alka verma	Patna high court
167	Ranjana Vohra	Delhi
168	Saptashwa Singh	Patna High Court
169	Pulkit Prakash	New Delhi
170	Dev	Thrissur
171	Shubhashish Sharma	MUMBAI
172	Aishwarya Nabb	Delhi
173	Lubna Naaz	Supreme Court of India, Delhi
174	Harleen kaur	New Delhi and Punjab
175	Vivek Menon	Mumbai
176	Parijata Bhardwaj	Delhi
177	Devika.S	Chennai
178	Aditi	Mumbai
179	Abhishek Nath Tripathi	New Delhi
180	Ujjaini Chatterji	Delhi and Bombay
181	A.J. Jawad	Madras High Court
182	R Vigneshwar	Madras HC
183	Adv Mini Mathew	Mumbai
184	Leena Menghaney	New Delhi
185	Vishal Bhatia	Delhi
186	Shiv Bansal	Delhi
187	Rahul Beruar	Delhi
188	Rudrajyoti Nath Ray	New Delhi, Kolkata
189	Snigdha Tiwari	High Court Nainital
190	Karishma Maria	New Delhi
191	P C Tewari	Almora
192	Chandni Chawla	Mumbai
193	Malavika Parthasarathy	Bangalore
194	Nikita Sonavane	Bhopal
195	Ameya Bokil	Bhopal
196	Radhika	Delhi
197	Wasif Rahman Khan	Patna high court
198	Ankit Kulkarni	Bombay High Court
199	Talib Mustafa	Patna/ High Court of Judicature at Patna
200	Deepika	Faridabad
201	Adv Santosh Kumar Yadav	Patna civil court

202	Monika	Delhi
203	Runjun Dutta	Law Student
204	Hemant Ingle	Mumbai
205	S.Meenakshi	Chennai
206	Anshuman Upadhyay	Delhi
207	Sayed Imran Ghani	Civil court patna
208	Zaman Ali	Mumbai
209	Aditi Gupta	New Delhi
210	Mohit Singh	DELHI
211	Mitul Singh Rana	Hoshiarpur
212	Siddharth Seem	New Delhi
213	Gayatri Sharma	Delhi
214	Kumar Shashank Shekher	Delhi
215	Anne Panicker	Mumbai
216	Lousy George	Chennai
217	Prarthna Nanda	Mumbai
218	Saumya	Delhi
219	Anuj kumar roy	Civil court hazaribag
220	Adv Khemchand R Koshti	Guj. High Court, Ahmedabad
221	Brijesh Jasvantray Trivedi	Ahmedabad
222	Saurabh Bishwambhar	Patna High Court
223	Radhika Kolluru	Delhi High Court
224	Meera Sanghamitra	Hyderabad
225	Kamal Kishor	Patna
226	Brajesh Kumar	Delhi
227	Nawal kishor	Koderma
228	Md Modassir Shams	Patna
229	Nishant Sirohi	New Delhi
230	A P Josy	Sakti, Dt Janjgir-Champa, Chhattisgarh
231	Saumya Maheshwari	Delhi
232	Deepak Singh	Delhi High Court
233	Prathibha S	Delhi
234	Tarun Agarwal	New Delhi
235	Anoop Kumaran	Thrissur, Keralam
236	Roma	New Delhi
237	Anupam Kirti	Delhi
238	Malar GP	Delhi
239	Govind	Delhi

240	Sumeet Kumar singh	Patna High Court
241	Anurag Bindal	New Delhi
242	Shivangi Rai	New Delhi
243	Manali Singhal	Delhi
244	Nandini Mitra	High Court at Calcutta
245	Aditya Kumar	New Delhi
246	Adv Savita Ali	Session Court Patna
247	Mohd Shaqir Hussain	Jammu
248	Madhurima	Kolkata
249	Dharmendra Kumar Mishra	Delhi
250	P. Kumar	Delhi.
251	Renuka Sahu	New Delhi
252	Angkit Bharadwaj	Guwahati
253	Liyi	New Delhi
254	Manshi Jaiswal	Lucknow
255	Ritika chatterjee	Karnataka
256	Praavita	Delhi
257	Somesh Chandra Jha	Delhi
258	Priyanka	Patna
259	Sachin	Delhi
260	Bharti Ali	New Delhi
261	Manju Sharma	Patna High Court
262	Aryan Batra	Kolkata
263	Ritika chatterjee	Karnataka
264	Iman Calcuttawala (Ms.)	Mumbai/Bombay High Court
265	Anuvinda	New Delhi
266	Ankur Gulyani Panda	New Delhi
267	Adv. Ijas Muhammed	Kottayam
268	Preeti Dash	Delhi
269	Megha Mehta	Bombay
270	Ritika chatterjee	Karnataka
271	NS Tanvi	Chennai
272	Aarushi mahajan	Delhi
273	Sayanti	Kolkata
274	Harsh Bora	New Delhi
275	Adv. Suraj Sanap	Bombay
276	Ashish Kumar	Delhi
277	Adv Nasreen Khan	Calcutta High Court

278	Shreyashi Sharma	Delhi
279	Sagrika Semwal	Delhi
280	Rudraksh	Delhi
281	Nikhilesh	Mumbai
282	Adv Sheik Moulali Basha	Supreme Court Of India
283	Aman Golechha	Mumbai
284	Shashwat	Delhi
285	Persis Sidhva	Mumbai
286	Aniket Aggarwal	New Delhi
287	Ashutosh Kumar Mishra	Delhi
288	Sukriti Khurana	New Delhi
289	Kezhosano Kikhi	Kohima
290	Sindhu Saikrishnan	Bangalore
291	Adv Jacinta Saldanha	Mumbai
292	Sumi Ann Varkey	Kottayam
293	Mansi Sood	Delhi
294	Farhat	Mumbai
295	Vishnu	Delhi
296	Nishant Sirohi	New Delhi
297	Avani Chokshi	Bangalore
298	Pradeep Mandhyan	Mumbai
299	Kaustubh Gidh	Mumbai
300	Adv Akhil Joshi	Delhi
301	Vivekananda N	India
302	Haridya	Delhi
303	Radhika Kolluru	Delhi High Court
304	Mandeep singh	Chandigarh
305	Siddhartha	Delhi
306	Renu Mishra	Lucknow
307	Asha singh	Gurgaon
308	Prerana Priyanshu	Chennai
309	Adv. Shruti Narayan	Delhi
310	Steffi	Mumbai
311	Asha Rodiyal	Mumbai
312	A.J. Jawad	Madras High Court
313	Margaret Dsouza	Mumbai
314	Adv.Mallika Verma	Mumbai
315	RUKHSANA CHOUDHURY	DELHI

316	Deependra Kumar Mishra	Pratapgarh
317	Jacqueline	Mumbai
318	Nupur Raut	Mumbai
319	Payoshi	Bombay
320	Ragini A	Mumbai
321	Adv. Jahangir Alam	Delhi
322	Yuvraj Rathore	New Delhi
323	Babu K Y	Kanyakumari
324	Ranvir Singh	Delhi
325	Adv. Chitra Sundar	Mumbai
326	Ipshita Bhuwania	Mumbai
327	Adv Shivani Bhate	Mumbai
328	Naomi Chandra	New delhi
329	Adv. Sheeba paul	Mumbai
330	K. Padma	Visakhapatnam, Andhra Pradesh
331	Anupchand K Minj	Guwahati
332	Adv Ritu Rajkumari	New Delhi
333	Adv. Mani Gupta	New Delhi
334	Perna Raj	Delhi
335	Som Dutta Sharma	Delhi
336	Adv Richa verma	Delhi
337	Adv Payal Gaikwad	Delhi
338	Theresia Parakkadan	Mumbai
339	Ikshaku Bezbaroa	Bangalore
340	Shantanu	Delhi
341	Adv. Kokila Parmar	Delhi
342	Adv. Roshni shah	Nashik
343	Anjana Gosain	New Delhi
344	Shalini Nair	New Delhi
345	Kirti Singh	Delhi
346	Shubham Kaushal	Mumbai
347	Tanvi mane	Mumbai
348	Narender	Delhi
349	Adv K. Gayatri	Pune
350	Vivek Menon	Mumbai
351	Harleen Singh	New Delhi
352	Bidisha Mahanta	Assam
353	Arul	Bangalore

354	MV Swaroop	Chennai
355	Urmi Chudgar	Delhi
356	Manishaa Thakur	Delhi
357	Adv Kriti Kakkar	Delhi
358	Sudha Ambastha	Patna High Court
359	Milinda Sharma	New Delhi
360	Clara	Guwahati
361	Aditi Kumar	New Delhi
362	Shashibala Verma	Patna High Court
363	Sumita Kapil	New Delhi
364	Pushpa Sinha	Patna High Court
365	Rahul Vardhan	Mumbai
366	Nalinu	Delhi
367	Fidel Sebastian	Delhi
368	Rohan Seth	Delhi
369	Irfan Engineer	Mumbai
370	Kruthika NS	Bengaluru
371	Olullah Laskar	Guwahati
372	Adv Kaushik Gupta	Kolkata
373	Sarada Mahesh	Bengaluru
374	Anirban Tarafder	Kolkata
375	Md. Alauddin	Barrackpore Court, Kolkata
376	Falakyar Askari	The High Court of Judicature at Patna