

# BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna-800015

## Press Note

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It has come to the notice of the Commission that section of the media mentions the names of the alleged victims of offences u/s 376, 376A, 376B, 376C and 376D. The Commission feels that this is being done because people in general and section of the media are not aware of the restrictions imposed on printing and publishing of the names of alleged victims u/s 228A IPC. For information of general public and media Section 228A is reproduced herein below:-

### **Section 228A:-**

(1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section u/s 376, section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed (hereinafter in this section referred to as the victim) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

(2) Nothing in sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is –

- (a) by or under the order in writing of the officer-in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purposes of such investigation; or
- (b) by, or with the authorization in writing of, the victim; or
- (c) where the victim is dead or minor or of unsound mind, by, or with the authorization in writing of, the next of kin of the victim:

*Provided* that no such authorization shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called of any recognized welfare institution or organization.

Explanation. – For the purposes of this sub-section. “recognized welfare institution or organization” means a social welfare institution or organization recognized in this behalf by the Central or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

**Explanation.** – The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this section.

By order.

**(Deputy Secretary)**  
Bihar Human Rights Commission  
Patna