

ITEM NO.24

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 349/2006

VOLUNTARY HEALTH ASS. OF PUNJAB

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with appln. (s) for clarification and directions and exemption from filing O.T. and further direction and impleadment as party respondent and permission and office report)
(For Final Disposal)

WITH

SLP(Crl) No. 5800/2013
(With Office Report)

W.P. (C) No. 575/2014
(With Office Report)

Date : 06/05/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Divya Jyoti Jaipurkar, Adv.
Ms. Jyoti Mendiratta, AOR

SLP 5800/13 Ms. Ruchi Kohli, AOR

WP 575/14 Mr. Kapil Joshi, Adv.
Ms. Manju Sharma Jetley, AOR

For Respondent(s) Mr. S. Wasim A. Qadri, Adv.
Mr. Ajay Sharma, Adv.
Ms. Binu Tamta, Adv.
Ms. Sunita Sharma, Adv.
Mr. Ajay Sharma, Adv.
Mr. S.S. Rawat, Adv.
Mr. D.S. Mahra, AOR

Mr. A.P. Mayee, Adv.

U.P. Mr. Ranjit Rao, AAG
Mr. Rajesh Kumar Maurya, Adv.
Mr. Abhishth Kumar, AOR

Jharkhand Mr. Anil Kumar Jha, AOR
Mr. R.K. Ojha, Adv.

Arunachal Pradesh Mr. Anil Shrivastav, AOR
Mr. D. Raj, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Anip Sachthey, AOR
Ms. Shagun Matta, Adv.

Chhattisgarh Ms. Bansuri Swaraj, Adv.
Mr. Aniruddha P. Mayee, AOR

Mr. Arun K. Sinha, AOR

Mr. Arvind Kumar Sharma, AOR

Manipur Mr. Sapam Biswajit Meitei, Adv.
Mr. Z.H. Isaac Haiding, Adv.
Mr. Ashok Kumar Singh, AOR

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Mrs. K. Anatoli, Sema, Adv.
Mr. Amit Kumar Singh, Adv.
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Mr. Rakesh Sharma, Adv.

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Mr. D.S. Mahra, AOR

Mr. Gaurav Kejriwal, AOR

Mr. Gopal Singh, AOR
Mr. Manish Kumar, Adv.
Ms. Rashmi Srivastava, Adv.

Uttarakhand

Mr. Tanmaya Agarwal, Adv.
Mr. Jatinder Kumar Bhatia, AOR

Mr. Jay Kishor Singh, AOR

Mr. Milind Kumar, AOR

Mr. P. N. Gupta, AOR

Mr. P. V. Dinesh, AOR

Mr. Shikhar Garg, Adv.
Mr. P.V. Yogeswaran, AOR

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Mr. Ranjan Mukherjee, AOR
Mr. S.C. Ghose, Adv.
Mr. S. Bhowmick, Adv.
Mr. T.M. Singh, Adv.

Haryana

Mr. Dinesh Chander Yadav, AAG, Haryana
Mr. A.S. Rishi, Adv.
Mr. Amit Tripathi, Adv.
Mr. Sanjay Kumar Visen, AOR

Mrs. B. Sunita Rao, AOR

Mr. Shibashish Misra, AOR

Mr. Shriram P. Pingle, AOR

Mr. Sunil Fernandes, AOR

Mr. T. Harish Kumar, AOR

Mr. T.V. George, AOR

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Mr. V.G. Pragasam, AOR
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramania, Adv.

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Ms. Rachana Srivastava, AOR

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Mr. Prateek Bhatia, Adv.

Mr. Ritwik Parikh, Adv.

Ms. Mamta Saxena, Adv.

Mr. A.N. Singh, Adv.

Mr. a. Mariaputham, Advocate General

Ms. Aruna Mathur, Adv.

Mr. K. Vijay Kumar, Adv.

For M/s. Arputham Aruna & Co.

Mr. Ramesh Babu M.R., Adv.

Ms. Swati Setia, Adv.

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Mr. G.M. Kawoosa, Adv.

Mr. Ashok Mathur, Adv.

Punjab

Mr. Ajay Bansal, AAG

Mr. Kuldip Singh, Adv.

Mr. Gaurav Yadav, Adv.

Mr. Ram Naresh Yadav, Adv.

Mr. R.R. Rajesh, Adv.

Telengana

Mr. S. Udaya Kumar Sagar, Adv.
Mr. Krishna Kumar Singh, Adv.

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

On 15.04.2015, after recording the submissions of Mr. Gonsalves, learned senior counsel appearing for the petitioner, we had issued certain directions in respect of the State of NCT of Delhi and, at that juncture, we had observed that though the said directions had been issued in respect of the State of NCT of Delhi, some of the directions are also applicable to other States and the said facet shall be adverted to on the next date of hearing.

Apart from the directions issued, this Court directed as follows :

"At this juncture, Mr. Gonsalves, learned senior counsel submitted that reduction in sex-ratio in this country is quite disturbing and agonizing. Learned senior counsel would submit that the honour killing is also reflective of the attitude of the society at large, for the proclivity to scuttle the female from being born and to see the mother earth and the sunlight. It is his submission that though this Court has been passing series of orders, yet there is no awareness and fear in the society. He has drawn our attention to an order passed on 29.10.2002 in People Unions for Civil Liberties vs. Union of India & Ors., Writ Petition Civil No.196 of 2001, wherein this Court had directed the Chief Secretaries of the States to translate the order and display the same on the Gram Panchayats, school buildings and fair price shops and giving wide publicity on the All India Radio and Doordarshan. Learned senior counsel would submit that there need be no display on the Gram Panchayats, school buildings or fair price shops but it should be given wide publicity in Newspapers, All India Radio and Doordarshan. Regard beng had to the said submission, we direct that the order passed today should be translated and be given wide publicity in Newspapers, All India Radio and Doordarshan so that the people at large know the sacrosanctity of the 1994 Act, the issues raised before this Court and the manner in which the same being addressed to and how there should be real concern not to go for sex

selection, or destruction of female foetus subject to law, that is, the provisions of Medical Termination of Pregnancy Act."

It is submitted by Mr. Wasim Qadri that he will file an affidavit clearly indicating all the steps that have been taken by the NCT of Delhi in regard to compliance of the directions contained at serial no. (i) to (viii) in the previous order. The affidavit shall be absolutely specific. As far as the directions which we have reproduced hereinabove are concerned, Mr. Qadri could not tell us what steps have been taken. He could not apprise us whether any publicity has been given in newspapers, All India Radio and Doordarshan so that the people at large know the sacrosanctity of the 1994 Act and the issues raised before this Court and the matter in which the same being addressed to and how there should be real concern not to go for sex selection or destruction of female foeticide subject to law, i.e., the provision of Medical Termination of Pregnancy Act. Needless to say, the said directions are to be complied with by all the States in India.

Ms. Binu Tamta, learned counsel appearing for the Union of India, submitted that she will see to it that appropriate directions are issued to the authorities of All India Radio and Doordarshan functioning in various States to give wide publicity. As all the States are represented before us, the learned counsel appearing for them shall send a copy of the order to the Principal Secretary, Health as well as to the Principal Secretary, Law so that the said order can be translated and be published in the newspapers and broadcast on All India Radio and telecast on Doordarshan in appropriate manner.

We hope that by the next date of hearing, there would be substantial compliance with the aforesaid directions.

At this juncture, we must note that on the last occasion, we had directed the States of Bihar and Himachal Pradesh to file objections to the report submitted by the Union of India. The State of Bihar has already filed the response. Ms. Binu Tamta, learned counsel for the Union of India shall peruse the objections filed by the State of Bihar and file response thereto within six weeks hence.

At this juncture, we may note with profit that the State of Bihar has filed a chart indicating that from the date of commencement of the enactment of 1994 Act, 159 cases had been launched in various courts in the State of Bihar and presently 126 cases are pending. They are pending since 2012-2013. In our considered opinion, the cases under the 1994 Act should be dealt with in quite promptitude and the concerned courts have to treat the said cases with utmost primacy. In view of the aforesaid, we

direct that the cases which are pending before the trial court shall positively be disposed of by end of October 2015.

A copy of this order be sent to the learned Chief Justice of Patna so that he can issue a circular to the concerned District and Sessions Judge who, in turn, can circulate the same amongst the presiding officers wherein the cases are pending. The order passed today and the chart filed by the State of Bihar shall also be forwarded for convenience.

We will be failing in our duty, if we do not take note of a submission made by Mr. Divya Jyoti Jaipurkar, learned counsel appearing for the petitioner, that the launching of prosecution in the State of Bihar is extremely low and no case has been launched after 2013. We do not intend to say anything on this score but we cannot restrain ourselves from observing that had there been apposite awareness among the competent authorities in all possibility, the result would have been different. Lack of awareness is a known fact. In our considered opinion, the competent authorities who have been authorised under the Act to launch prosecution and also to see that the the Act is properly carried out and the sex ratio is increased, are required to be given training. In view of the aforesaid, we would request the Chairman of the Bihar Judicial Academy of the High Court of Judicature at Patna to fix a time schedule for imparting the training. The concerned Chief Secretary of the State shall see to it that competent authorities are guided by the schedule fixed by the High Court.

Ms. Pragati Neekhara, learned counsel for the State of Himachal Pradesh, prays for two weeks time to file objections. Prayer stands allowed.

Let the matter be listed in the first week of August 2015 for further hearing.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master