

ITEM NO.6

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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 exemption from filing O.T. and exemption from filing O.T. of annexures and further direction and impleadment as party respondent and permission and office report)

WITH

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

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

Date : 18/02/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Collin Gonsalves, Sr. Adv.
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Mr. B. S. Banthia, Adv.

Mr. Arvind Kumar Sharma, Adv.

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Mr. V.N. Raghupathy, Adv.

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MCI	Mr. Gaurav Sharma, Adv. Ms. Amandeep Kaur, Adv. Mr. Prateek Bhatia, Adv. Mr. Prateek Mishra, Adv.

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

On 25.11.2014, this Court, after referring to the malady relating to reduction of sex ratio in various States, had directed as follows :

"In our considered opinion, there should be a verification of the documents that form the basis on which these figures have been arrived at. Let it be clarified that the figures that have been put forth do not show any indication of improvement but we would like to have it verified to satisfy ourselves whether the figure that has been put forth is correct or not. The purpose is to find out whether there is degradation of the sex ratio or a stagnation or

any steps have really been taken by the concerned States to improve/enhance the sex ratio or not?

In view of the aforesaid, we direct that a meeting be held under the auspices of National Inspection and Monitoring Committee wherein the Additional Secretary who has filed the affidavit for the Union of India and two other Joint Secretaries of the Ministry of Health and Family Welfare shall remain present. The deponents who have filed the affidavits before this Court on behalf of the States of Uttar Pradesh and NCT of Delhi shall remain present. The Director General, Health Services, State of Haryana shall remain present in the meeting. The Principal Secretary along with the Special Secretary, State of Uttar Pradesh shall remain present in the meeting. To avoid any amount of controversy, we fix the date for the meeting on 03.12.2014 at 10.30 a.m. The State shall produce the relevant registers/ records before the said Committee.

We are sure, the States should be in a position to produce the registers/record in the meeting so that it can be scrutinized. Any discrepancy in this respect shall not be appreciated for the States must have prepared the chart on the basis of the such registers/records. We recapitulate the saying, "Awake, Arise, Oh ! Parth" and we say this to the States so that they can really wake up to take the issue of female foeticide with all seriousness and sincere concern. "

Thereafter, the data provided by the States of Uttar Pradesh, Haryana and NCT of Delhi have been verified. As far as the said States are concerned, the data that has been furnished has been found to be approximately correct.

Learned counsel for the the petitioners prays for some time to file a status report in respect of the State of NCT of Delhi. He may do so within a week hence. The Status report that is to be filed by the petitioner would be considered on the next date of hearing and appropriate directions shall be issued qua the State of NCT of Delhi so that the sex ratio is increased in a respectable, acceptable and socially relevant manner. Learned counsel for the State of NCT of Delhi is at liberty to file a reply to the status report.

As had been indicated in the earlier order dated 25.11.2014, the data of four other States, i.e., Bihar, Himachal Pradesh, Rajasthan and Tamil Nadu are to be verified in the same manner.

The Additional Chief Secretary (Health) along with the Director Health (Safety and Regulation) of the State of Himachal Pradesh and Principal Secretary along with Director General of Health of the State of Rajasthan shall bring the record and appear before the National Inspection and Monitoring Committee at 11.30 a.m. on 17.03.2015. Mr. Gonsalves and Mr. Sanjay Parikh, learned senior counsel for the petitioner can remain present at the time of verification.

The Principal Secretary of Health Department and Director-in-Chief of Health Services of the State of Bihar and the Principal Secretary and Director General of Health of the State of Tamil Nadu shall remain present at 11.30 a.m. on 25.03.2015 before the National Inspection and Monitoring Committee with all the relevant data. Mr. Gonsalves and Mr. Sanjay Parikh, learned senior counsel for the petitioner can remain present at the time of verification. The Committee shall file the report through the Additional Solicitor General on or before 10.04.2015.

Let the matter be listed on 15.04.2015.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master