

ITEM NO.11

COURT NO.5

SECTION PIL(W)

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 directions and exemption from filing O.T. 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 : 15/09/2015 This petition was called on for hearing today.

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

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SLP 5800/13 Ms. Ruchi Kohli, AOR

WP 575/14 Mr. Kapil Joshi, Adv.
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Madhya Pradesh Mr. Mishra Saurabh, Adv.
 Ms. Vanshaja Shukla, Adv.

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

On 19.08.2015, submissions were made on behalf of learned counsel for the States of Bihar and Himachal Pradesh that they had rectified the defects pointed out by the National Inspection and Monitoring Committee (the Committee) and on the basis of the said submission, a direction was issued that the Committee shall scrutinize the rectifications and file a report within two weeks from that date. That apart, a direction was issued that the Committee shall file a status report as regards the said states, and also the cooperation extended by the States. Additionally, certain other directions were issued in respect of the State of Bihar which need not be mentioned today.

As far as the States of Orissa, West Bengal, Chhattisgarh and Jharkhand are concerned, a direction was issued for providing the dates and verification of the same. In pursuance of our earlier order, a report has been filed on behalf of the Union of India. In the report, as far as the States of Bihar and Himachal Pradesh are concerned, it has been stated as follows :

"12. Finally, the Committee scrutinized the rectifications of defects/records in the information related to prosecutions, convictions and Sex Ratio submitted by the state of Bihar and Himachal Pradesh. The Committee observed that the information provided on the prosecutions launched in the State of Bihar was ambiguous and incomprehensible. In order to address this persistent difficulty, the Committee decided (and was agreed to by Dr. Sabu George) that Dr. Sabu George (NIMC Member) along with the concerned officer from the Ministry of Health and Family Welfare would undertake a visit to the State of Bihar and cross verify the documents related with prosecutions and convictions so that the correct

facts are submitted to the Hon'ble Supreme Court of India.

13. The State of Himachal Pradesh was expected to explain the methodology used by the state for figures of Sex Ratio at Birth data cited in the affidavit. In the affidavit, shared by the state the Committee members confirmed that the methodology used for calculating the district wise Sex Ratio at Birth was detailed out at length.

14. The Committee stressed on the strengthening of Civil Registration of births in the states so that real time data of Sex Ratio at Birth is available to monitor and evaluate the impact of implementation of PC&PNDT Act and related activities."

As far as States of Odisha and Chhattisgarh are concerned, the Committee has opined, thus :

"9. In the second round, the committee members verified and scrutinized the affidavits filed by the States of Odisha and Chhattisgarh. In the affidavit filed by the Odisha, the state had cited Sex Ratio at Birth from the Civil registration of births of State. However, no documentary evidence from the concerned department was provided for cross verification of these figures. The state was requested to submit the same for the verification. To substantiate the facts regarding State Inspection and Monitoring Committee (SIMC) provided in the affidavit, the State was also asked to provide details of the inspections conducted by the SIMC and consequent follow-up action initiated by the Appropriate Authorities for the verification."

In view of the aforesaid, we would like the State of Orissa to provide the Committee relevant documents and desired by it and with regard to the deficiencies pointed out by it and the Committee is directed to proceed further with regard to the said State within a period of eight weeks.

At this juncture, we must note with profit that Ms. Anitha

Shenoy, learned counsel who is appearing for Dr. Sabu George, the newly impleaded party, submits that the appropriate authorities are not following the mandate enshrined under Rule 18A of the Pre-conception and Pre-natal Diagnostics Techniques (Prohibition of Sex Selection) Rules, 1996 (for brevity, 'the Rules'). She has drawn our attention to sub-rule (6) of Rule 18A. It reads as follows :

"(6) All the Appropriate Authorities including the State, Districts, Sub-districts notified under the Act, *inter alia*, shall submit quarterly progress report to the Government of India through the State Government and maintain Form H for keeping the information of all the registrations made readily available."

In view of the aforesaid Rule, it is directed that all the appropriate authorities including the State, districts and sub-districts notified under the Act shall submit quarterly progress report to the Government of India through the State Government and maintain Form H for keeping the information of all registrations readily available.

The learned counsel for the States shall file the compliance report pertaining to sub-rule (6) of Rule 18A of the Rules by the next date. Learned counsel for the Union of India shall also apprise this Court about the information received from the various appropriate authorities.

Let the matter be listed on 17.11.2015.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master