

07.03.2024  
Item Nos.29-31  
gd/ssd

WPA(P)/20/2020  
CAN/1/2023, CAN/2/2023,  
CAN/3/2024, CAN/4/2024  
MUSCULAR DYSTROPHY PATIENT  
WELFARE SOCIETY & ANR.  
VS  
MINISTRY OF HEALTH & FAMILY WELFARE,  
GOVERNMENT OF INDIA & ORS.  
**with**  
WPA/6300/2023  
YUVAAN SINGH & ORS.  
VS  
UNION OF INDIA & ORS.  
**with**  
WPA(P)/9/2023  
PARIVAAR BENGAL & ANR.  
VS  
STATE OF WEST BENGAL & ORS.

Ms. Nandini Mitra,  
Mr. Samim Ahammed,  
Ms. Saloni Bhattacharya,  
Ms. Gulsanwara Pervin,  
Mr. Arka Ranjan Bhattacharya,  
Ms. Ambiya Khatoon  
..for the Petitioners in  
WPA(P) 20 of 2020.

Mr. Biswaroop Bhattacharjee,  
Mr. Siddhartha Sankar Mandal,  
Ms. Arunima Das Sharma  
..for the Petitioners in  
WPA 6300 of 2023.

Mr. Anirban Tarafdar  
..for the Petitioners in  
WPA(P) 9 of 2023.

Mr. Asok Kumar Chakraborti, ld. ASGI,  
Mr. Arijit Majumdar  
..for the Union of India in  
WPA(P) 20 of 2020 and  
WPA 6300 of 2023.

Ms. Sreemayee Mukherjee,  
Mr. Apurba Kr. Dutta,  
Mr. Kuntal Banerjee  
..for the Applicant in

CAN 4 of 2024.

Md. T.M. Siddiqui  
..for the State.

**Re: CAN 3 of 2024**

1. There are 37 applicants who are the parents/guardians of children affected by various forms of muscular dystrophy. They seek for impleading themselves in the writ petition as they are of the view that certain individual facts can be brought on record. Impleading 37 applicants to the writ petition would not only be cumbersome process but will not give the desired result.

2. Therefore, we permit all the 37 applicants to intervene in this writ petition and all of them are represented by a learned advocate who is appearing in the writ petition and the learned advocate shall continue to represent these 37 applicants also.

3. Accordingly, CAN 3 of 2024 is disposed of.

**Re: CAN 4 of 2024**

4. The application has been filed by Muscular Dystrophy Patient Welfare Society stated to be a Society registered under the West Bengal Societies Registration Act, 1961 and the other petitioner is the President of the Society.

5. They seek for impleadment in the writ petition in WPA(P) 20 of 2020.

6. In our view, impleading several respondents will not give the desired result, however, we permit the Muscular Dystrophy Patient Welfare Society to intervene in the proceedings and assist the court.

7. With the above order, CAN 4 of 2024 is disposed of.

**Re: WPA(P) 20 of 2020**

8. The learned advocate for the petitioners in one of the points which were for consideration in the writ petition had pointed out that the State Government/Central Government may issue appropriate directions to diversify 25% of Corporate Social Responsibility Fund to the Rare Disease Fund.

9. The learned Additional Solicitor General rightly pointed out that the Secretary, Department of Health and Family Welfare, Ministry of Health and Family Welfare, Government of India by letter dated 13<sup>th</sup> June, 2022 has addressed the Secretary, Ministry of Corporate Affairs, New Delhi requesting to look into the matter and include the specific subject “Rare Diseases Research and Treatment” in Schedule VII under the provisions and scope of Section 135 of the Companies Act, 2013 so as to enable the Public Sector Undertakings and the Corporate to donate generously to this important social cause.

10. It is not clear as to what further proceedings or action had been taken by the Ministry of

Corporate Affairs based on the request made by the Secretary, Department of Health and Family Welfare.

11. Therefore, we request the learned Additional Solicitor General to obtain appropriate written instructions either from the Ministry of Health and Family Welfare or from the Ministry of Corporate Affairs as to whether any steps have been taken to include the subject “Rare Diseases Research and Treatment” in Schedule VII under the provisions and scope of Section 135 of the Companies Act, 2013.

**Re: WPA(P) 9 of 2023**

12. A supplementary affidavit has been filed bringing on record the plight of the persons with disabilities as they have been informed by the hospital that they do not have the enrolment document of the concerned person and they have been redirected to another hospital or Swastha Bhavan being the office of the Department of Health, Government of West Bengal.

13. Let copies of this affidavit be served on the learned Government counsel and on the learned Additional Solicitor General to enable them to obtain instructions.

**Re: WPA 6300 of 2023**

14. The points for consideration as formulated by the learned advocate for the petitioners is taken on record.

15. Let copies be served on the learned advocates appearing for the parties.

16. List these matters on 4<sup>th</sup> April, 2024.

**(T. S. SIVAGNANAM)**  
**CHIEF JUSTICE**

**(HIRANMAY BHATTACHARYYA, J.)**