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W.P(C)No. 301 OF 2000

ITEM No.5

Court No.7

SECTION PIL  
A/N MATTER

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

Writ Petition(Civil) No.301/2000

CEHAT & ORS.

Petitioner (s)

VERSUS

UNION OF INDIA AND ORS.

Respondent (s)

(WITH appln (s) for permission to submits addl. documents and exemption from filing OT and impleading party and intervention and modification)

Date : 09-04-2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH  
HON'BLE MR. JUSTICE HOTOI KHETOHO SEMA

For Petitioner (s)

Attorney General for India (N/P)

Mr. Sanjay Parikh, Adv.  
Mr. RR Chandrachud, Adv.

For Respondent (s)

for States of Gujarat and Mizoram Ms. Hemantika Wahi, Adv.  
Ms. Sumita Hazarika, Adv.

for UOI Mr. Altaf Ahmed, ASG  
Mr. Krishan Mahajan, Adv.  
Ms. Sunita Sharma, Adv.,  
Mr. D.S. Mahra, Adv.

for NCT of Delhi: Mr. N.N. Goswami, Sr. Adv.,  
Ms. Sunita Sharma, Adv.,  
Mr. D.S. Mahra, Adv.

Mr. R.N. Poddar, Adv.,  
Mr. K.N. Nagpal, Adv.,  
Mr. B.V. Balramdas, Adv.

for State of Punjab Mr. Lokesh Kumar, Adv.,  
Mr. Rajeev Sharma, Adv.

For State of Assam Mr. V.K. Sidharthan, Adv.,  
Mr. Atul Kumar, Adv.,  
Ms. Krishna Sarma, Adv. for  
M/s Corporate Law Group

For Meghalaya State: Mr. Ranjan Mukherjee, Adv.

for State of Orissa Mr. Radha Shyam Jena, Adv.

for State of Rajasthan Mr.Ranji Thomas,Adv.  
Ms.K.V.Bharati Upadhyay,Adv.for  
Mr.J.M. Rao,Adv.

for State of Kerala Mr.T.L.V. Iyer,Sr.Adv.,  
Mr.K.R. Sasiprabhu,Adv.

for Tamil Nadu State: Mr.T.L.V. Iyer,Sr.Adv.,  
Ms.Revathy Raghavan,Adv.

for Bihar State: Mr.B.B. Singh,Adv.

for Jharkhand State: Mr.Ashok Mathur,Adv.,  
Mr.Rajesh Pathak,Adv.

for Andhra Pradesh: Ms.T.Anamika,Adv.for  
Mr.G.Prabhakar,Adv.

for State of Haryana Mr.J.P. Dhanda,Adv.,  
Mrs.Raj Rani Dhanda,Adv.

for Manipur: Mr.KH Nobin Singh,Adv.

for J & K Mr.Anis Suhrawardy,Adv.

for Goa Mr. Bhavanishankar V Gadnis, Adv.  
Ms.A.Subhashini,Adv.  
Mr.Shiv Sagar Tiwari,Adv.

for Pondicherry: Mr.V.G. Pragasam,Adv.

for Himachal Pradesh: Mr.Naresh K.Sharma,Adv.

for State of Karnataka Mr.Sanjay R. Hegde,Adv.

for State of Nagaland Mr.Sanjay K Shandilya, Adv. for  
Mr.VD Khanna, Adv.

for State of Arunachal Pradesh Mr.Anil Shrivastav, Adv.

for State of MP Mr.Sakesh Kumar,Adv.for  
Mr.S.K.Agnihotri,Adv.

for Chattisgarh: Mr.Prakash Shrivastava,Adv.

State of Tripura Mr.Gopal Singh, Adv.  
Mrs.Vimla Sinha,Adv.  
Mr. Rahul Singh,Adv.

State of UP Mr.R.C. Verma,Adv.,  
Mr.K.L. Janjani,Adv.,  
Mr.Mukesh Verma,Adv.

State of Uttranchal Ms.Rachna Srivastava,Adv.,  
Mr.Mahesh C. Kaushiwa,Adv.

State of Sikkim Mr.A Mariarputham, Adv.  
Ms.Aruna Mathur, Adv.  
Mr.Anurag D Mathur, Adv.

State of West Bengal Mr.Tara Chandra Sharma,Adv.

Mr.Ajay Sharma,Adv.

in IA 17: Mr.M. Ravindran,Sr.Adv.,  
Mr.Senthil Jagadeesan,Adv.,  
Ms.V. Mohanna,Adv.,  
Mr.V. Ramasubramaniam,Adv.

in IA 13 & 14 Mr.Shambh Prasad Singh,Adv.,  
Ms.Manjula Gupta,Adv.

Mr.Bhargava V. Desai,Adv.,  
Mr.Sanjeev Kr. Singh,Adv.,  
Ms.Vineeta,Adv.

Mr.G.S. Chatterjee,Adv.  
Mr.Pramit Kumar,Adv.,  
Mr.Raja Chatterjee,Adv.,  
Mr.Sachin Das,Adv.

Mr.Jay Savla,Adv.  
Ms.Reema Bagga,Adv.,  
Mr.N.Menon,Adv.

Mr.Chander Shekhar Ashri,Adv.

UPON hearing counsel the Court made the following

O R D E R

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Mr.Goswami, the learned senior counsel appearing the State of Delhi states that with regard to pending 185 applications for registration, appropriate action would be taken within a week from today. Appropriate action also would be taken for survey and taking action against unregistered and unlicensed clinics.

Affidavit tendered in Court by Mr.T.L.Viswanatha Iyer, the learned senior counsel appearing for the State of Kerala is taken on record.

Mr.R.C. Verma, the learned counsel appearing for the State of Uttar Pradesh submits that if the clinics are not registered appropriate action in compliance with the directions issued by this Court would be taken within 15 days from today. On this undertaking, for the time being, presence of the concerned Health Secretary is dispensed with.

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Mr.Tara Chandra Sharma, the learned counsel appearing for the State of West Bengal states that 463 clinics are registered. With regard to 79 clinics, prosecution is launched and that further survey would be carried out with regard to the remaining clinics having ultrasound machines.

Mr.Sakesh Kumar, the learned counsel appearing for the State of Madhya Pradesh seeks further one week's time for compying with the order passed by this Court. Time granted.

Mr.Lokesh Kumar, learned counsel appearing for the State of Punjab states that within one week from today additional affidavit stating true and complete facts would be filed.

Mr.S.V. Deshpande, the learned counsel appearing for the State of Maharashtra submits that further survey

would be carried out with regard to the remaining unregistered clinics having ultrasound machines.

Mr. Ranji Thomas, learned counsel appearing for the State of Rajasthan has drawn our attention to a magazine named 'Niramaya' published by the State of Rajasthan with regard to various actions required to be taken under the Act and the active interest taken by the State of Rajasthan in implementing the same. It is hoped that other states would take similar suitable action for creating awareness in the

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public at large and sensitise the authority charged with the implementation of the Act.

Further, it is directed that all States shall take appropriate action in continuing further survey so that unregistered clinics do not operate in any part of the country and that the Act is fully implemented.

For the time being presence of the Health Secretary of the respective States is dispensed with.

I.A. 17. Heard Mr. M. Ravindran, the learned@  
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senior counsel appearing for the applicant. Considering the facts stated therein, concerned authority in the State of Tamil Nadu is directed to give appropriate Form for getting registration to the clinics having ultrasound machines and if they are complying with the necessary rules and regulations, the authority shall grant registration immediately.

Adjourned for three weeks.

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(Vijay Kumar Sharma)  
Court Master

(K.K. Chadha)  
Court Master