

ITEM NO.301

COURT NO.9

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).95/2012

DEVIKA BISWAS

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for directions and exemption from filing O.T. and impleadment and permission to file additional documents and permission to submit additional document(s) and office report)
(For final disposal)

Date : 14/08/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE UDAY UMESH LALIT

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

For Respondent(s) Mr. Maninder Singh, ASG
Mr. Ashok Panda, Sr. Adv.
Mr. A.K. Sanghi, Sr. Adv.
Ms. Sunita Rani Singh, Adv.
Ms. Sunita Sharma, Adv.
Mr. R.S. Nagar, Adv.
Mr. D. S. Mahra, AOR
Mr. B. V. Balaram Das, AOR

Chhattisgarh Mr. Jugal Kishore Gilda, AG
Mr. C.D. Singh, AAG
Mr. Aniruddha P. Mayee, Adv.
Mr. Charudatta Mahindrakar, Adv.
Mr. A. Selvin Raja, Adv.

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

We have seen the affidavit filed by the Government of
India and find that at the instance of the Secretary in

the Ministry of Health and Family Welfare a meeting took place on 15th May, 2015. The affidavit contains some platitudes and also the decisions taken in the meeting.

We expect the Ministry of Health and Family Welfare to implement the decisions with all earnestness. One of the suggestions highlighted in the meeting was that similar High Level meetings should be conducted every six months so that all the States know about the guidelines of the Government of India and the policy decisions that get modified from time to time.

We, therefore, expect the Secretary in the Ministry of Health and Family Welfare to conduct a similar High Level meeting on or about 15th November, 2015. In this meeting, we expect the Secretary in the Ministry to follow up on the decisions taken and to ensure that they are being implemented seriously.

As far as the platitudes are concerned, learned counsel for the petitioner has pointed out that conditions and facilities continue to remain unhygienic and completely unsatisfactory. The Ministry of Health and Family Welfare will look into these aspects and ensure that hygienic standards and quality control are maintained by impressing upon the States and Union Territories to adhere to the guidelines laid down by the Government of India from time to time.

The State of Chhattisgarh has also filed an affidavit. It is stated by the learned Advocate General that the Ms. Anita Jha Commission gave its report on 10th August, 2015 and that is likely to be considered in the next couple of weeks by the State Cabinet.

Learned Advocate General also says that two charge-sheets have been filed and there is no FIR that is pending investigation. He says that some scientific reports are expected from the Forensic Science Laboratory, Hyderabad and supplementary charge-sheets will be filed, if necessary, immediately thereafter.

As regards the two absconding persons, it is stated that they have been declared proclaimed offenders and a reward has also been announced for their whereabouts.

List the matter on 9th October, 2015 when we would like the State of Chhattisgarh to let us know the progress including the decision taken on the report of the Ms. Anita Jha Commission. Insofar as the Union of India is concerned, we will take up the matter on a subsequent date.

(SANJAY KUMAR-I)
COURT MASTER

(JASWINDER KAUR)
COURT MASTER