

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 501 OF 2001

J.P. SHARMA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions, intervention and office report)
(For final disposal)

WITH T.P.(C) NO. 527 of 2003
(For final disposal)

Date: 03/03/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s) Mr. Anis Suhrawardy, Adv.
Mr. S. Mehdi Imam, Adv.
Mr. Tabrez Ahmed, Adv.
Mr. Amir Khan, Adv.

Mr. Manu Mredul, Adv.
Mr. Anant K. Vatsya, Adv.
Mr. Surya Kant, Adv.
Mr. Amrit Singh, Adv.

For Respondent(s) Mr. T.S. Doabia, Sr. Adv.
Ms. Sadhana Sandhu, Adv.
Mrs Anil Katiyar, Adv.

Mr. Aruneshwar Gupta ,Adv

Mr. B.B. Singh ,Adv

Mr. D.N. Goburdhan ,Adv

State of Bihar Mr. Manish Kumar, Adv.
For Mr. Gopal Singh ,Adv

State of Tripura Mr. Manish Kumar, Adv.
For Mr. Gopal Singh ,Adv

Mr. Guntur Prabhakar ,Adv
Ms. Kamini Jaiswal ,Adv

-2-

Mr. Mukul Gupta ,Adv

Mr. Naresh K. Sharma ,Adv

Mr. Pramod Dayal ,Adv

Mr. K.N. Madhusoodhanan, Adv.

Mr. R. Sathish ,Adv

Mrs Rachna Gupta ,Adv

Mr. Tara Chandra Sharma ,Adv
Ms. Neelam Sharma, Adv.

Mr. Rajeev Sharma ,Adv

Mrs. Aruna Mathur, Adv.
For M/S Arputham, Aruna & Co. ,Adv

Mr. K.R. Sasiprabhu ,Adv

Mr. Shreekant N. Terdal ,Adv

M/s. Shalini Kumar,
Niranjana Singh ,Advs.

Mr. Ranjan Mukherjee ,Adv

Mr. Shiv Kumar Suri ,Adv

Mrs. Revathy Raghavan ,Adv

Mr. B.S. Banthia ,Adv

Mr. Radha Shyam Jena ,Adv

Mr. Anil Shrivastav ,Adv

Mr. Sanjay Kharde, Adv.
For Ms. Asha Gopalan Nair ,Adv

Mr. Sanjay R. Hegde ,Adv
Mr. Amit Kr. Chawla, Adv.
Mr. A. Rohen Singh, Adv.
Ms. Rachana Srivastava ,Adv

Mr. Raj Singh Rana ,Adv.

Mr. Riku Sarma, Adv.
M/S Corporate Law Group ,Adv

Ms. Kavita Wadia ,Adv

Ms. Sumita Hazarika ,Adv

-3-

State of Chhattis- Mr. Adesh Sharma, Adv.
garh Ms. Suparna Srivastava, Adv.
Mr. Ram Swarup Sharma, Adv.
State of Nagaland Mr. Edward Bnelho, Adv.
Mr. P. Athuimei R. Naga, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Rama Subramanian, Adv.

Mr. Khawairakpam Nobin Singh, Adv.

Ms. Sunita Sharma, Adv.
Mr. A. Tariq, Adv.
Mrs. Varuna Bhandari, Adv.
Mrs. Sushma Suri, Adv.
Mr. D.S. Mahra, Adv.

Mr. Manjit Singh, Adv.
For Mr. T.V. George, Adv.

Director of Health
Service, Goa

Mr. Bhavanishankar V. Gadnis, Adv.
Mr. Shiv Kumar Suri, Adv.

State of M.P.

Mr. Vikrant Singh Bais, Adv.
Ms. Vibha Dutta Makheeja, Adv.

State of T.N.

Mr. V. Krishnamurthy, Sr. Adv.
Mr. T. Harish Kumar, Adv.

Mrs. Hemantika Wahi, Adv.
Ms. Pinky, Adv.

UPON hearing counsel the Court made the following

ORDER

The writ petitioner in this case submitted that due to exposures through X-Ray machines by unqualified operators of medical houses, several persons were given over and excessive radiation and that lead to hazardous diseases like blood cancer, skin cancer etc. The Parliament enacted the Atomic Energy Act, 1962 (Act No.33 of 1962) to provide development, control and use of the Atomic Energy for the welfare of the people of India and for other peaceful purposes and for such

-4-

matters connected therewith. The Ministry of Health have from time to time issued various directions regarding controlling the work of Medical Diagnostic Centres and X-Ray units. The Atomic Energy Regulatory Board (AERB) issued Safety Code with respect to Medical Diagnostic X-Ray Equipments and Installation etc. The Radiation Protection Rules, 1971, also been enacted to give safety to the patients who are subjected to X-Ray or radiation treatment.

The petitioner has suggested various guidelines that are to be followed by X-Ray units. Petitioner alleges that unless such guidelines are specifically issued many of these X-Ray units may not follow the rules and instructions issued from time to time.

The Union of India is directed to gave its response regarding the guidelines suggested by the petitioner and four weeks time is granted to file response. A copy of the Report be given to all the respondents/States.

List after four weeks.

(R.K. Dhawan)
Court Master

(Indu Satija)
Court Master