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SLP(C)No. 20821 OF 1997
ITEM No.1

Court No. 1

SECTION XIV
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.20821/1997
(From the judgement and order dated 08/05/1997 in CWP 1912/95
of The HIGH COURT OF DELHI AT N. DELHI)

INDIAN COUNCIL OF LEGAL AID & ADVICE

Petitioner (s)

VERSUS

U O I & ORS

Respondent (s)

(With prayer for interim relief and office report)
(For Final Disposal)

Date : 29/01/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.B. SINHA
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)	Mr. H C Kocher, Sr. Adv. Mr. Ajit Pudussery, Adv. Mr. K C Ranjeet, Adv.
For Respondent (s)	Mr. P P Malhotra, Sr. Adv. Ms. Anil Katiyar, Adv. Ms. Sushma Suri, Adv. Mr. Sanjay Parikh, Adv. Mr. J K Bhatia, Adv. Mr. D.S. Mahra, Adv.
State of M.P.	Mr. Satish K. Agnihotri, Adv.
State of Arunachal Pradesh	Mr. Anil Shrivastav, Adv. Ms. Jyoti Dutt, Adv.
State of Chhatisgarh	Mr. Prakash Shrivastava, Adv.
State of Kerala	Mr. Ramesh Babu M.R., Adv.
State of Karnataka	Mr. Sanjay R. Hegde, Adv. Mr. Satya Mitra, Adv.
State of Haryana	Mr. D Rama Krishna Reddy, Adv. Ms. D Bharathi Reddy, Adv.
State of Sikkim	Mr. A Mariarputham, Adv. Ms. Aruna Mathur, Adv. for M/s. Arputham Aruna & Co., Advs. Mr. Ashok Mathur, Adv. Ms. Hemantika Wahi, Adv. Mr. V G Pragasam, Adv.

Ms. S. Janani, Adv. (NP)
Mr. B.B. Singh, Adv. (NP)
Mr. K.R. Nagaraja, Adv. (NP)
Mr. K.M.K. Nair, Adv. (NP)

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

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Leave granted.

The appeal is disposed of in terms of the signed order.

Let a copy of this order along with the Scheme be sent to the Chief Secretaries of all the States and Union Territories for necessary compliance.

(D.P. WALIA)
Court Master

(S. KRISHNAN)
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2003@@
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[arising out of SLP(C) No. 20821 of 1997]

Indian Council of Legal Aid & Advice ... Appellant

vs.

Union of India & Ors. ... Respondents~

ORDER@@
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Leave granted.

A news item appeared in leading newspapers of the country as regards refusal of the management of certain blind schools in the Capital to send their inmates for check up and medical treatment offered free of cost by the 5th respondent, The Harsha Vardhan Motiwala Memorial Charitable Trust (Regd.). It is stated that the said organisation had treated and completely cured three such inmates after surgical treatment done free of cost. The allegation made was that the concerned schools developed

a vested interest in keeping the students blind so as to appropriate the funds received from the 1st respondent, the Union of India.

The appellant herein filed a writ petition before the Delhi High Court on the basis of the said newspaper reports, praying, inter alia, for the following reliefs:@@

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"a. Issue Writ Order or Direction to the respondents to draw up a scheme for the compulsory,

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periodic medical examination and treatment of all the Blind students who are inmates of the various blind schools in the capital forthwith;

b. Direct that those schools for the Blind which do not adhere to the scheme drawn by the Respondent No. 1 will not be entitled to any grants;

c. Direct that those individuals who are cured by such treatment may be rehabilitated in suitable occupations and not sent to blind schools; .."

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Before the High Court, affidavits had been filed by the parties. The Ministry of Welfare also prepared a Scheme for Periodical Check-up and Treatment of Visually Handicapped Persons. The inmates of the schools were also medically examined.

On the basis of the reports filed before the High Court, the writ petition was disposed of by the impugned order dated 8.5.1997. The said order is in question before us.

Keeping in view the importance of the subject, notices were directed to be issued to all the States having regard to the fact that a Scheme prepared by the Central Government has been produced before this Court. The Scheme to a great extent meets the situation arising out of various problems connected with medical check-up and treatment of blind persons. With a view to ensure that the Scheme is adopted by all the States and the Union Territories in the whole country, this Court by an order dated 8.9.1998 directed issuance of notice to the

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Health Secretaries of all the States and the Union Territories.

Only the States of Arunachal Pradesh, Bihar, Gujarat, Karnataka, Manipur, Madhya Pradesh, Sikkim and Union Territories of Daman & Diu, Lakshadweep and Dadra & Nager Haveli have filed their counter affidavits. No State/Union Territory, however, has filed any affidavit opposing the said Scheme.

In this view of the matter, we direct that the said Scheme mutatis mutandis be adopted by all the@@

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States and Union Territories subject to the following :

(1) In place of "Delhi Administration" wherever occurred in the Scheme, the words "State Government" shall be inserted.

(2) In a case where no parent or guardian of the student is available, the consent in terms of paragraph 3 of the Scheme may be obtained from the Head of the Institution.

This appeal is disposed of in the aforesaid terms.

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Let a copy of this order along with the Scheme be sent to the Chief Secretaries of all the States and Union Territories for necessary compliance.

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.....CJI.
(V.N. KHARE)

.....J.
(S.B. SINHA)

.....J.
(AR. LAKSHMANAN)

New Delhi;
January 29, 2003.