

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). 659/2007

THE ENVIRONMENT AND CONSUMER
PROTECTION FOUNDATION ETC.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.
(IA No.131832/2017-INTERVENTION APPLICATION)

Respondent(s)

WITH

W.P.(C) No. 168/2012 (PIL-W)

W.P.(C) No. 133/2012 (PIL-W)

Date : 06-12-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Ravindra Bana, AOR

NALSA Ms. Anitha Shenoy, AOR
Ms. Srishti Agnihotri, Adv.

Mr. Choudhary Ali Zia Kabir, Adv.
Ms. Jyoti Mendiratta, AOR

For Respondent(s) Mr. A.N.S. Nadkarni, ASG
Mr. A.K. Panda, Sr. Adv.
Ms. Vimla Sinha, Adv.
Mr. Shalinder Saini, Adv.
Mr. R. Bala, Adv.
Ms. Aarti Sharma, Adv.
Mr. Prabhas Bajaj, Adv.
Mr. Raj Bahadur Yadav, Adv.
Mr. R.R. Rajesh, Adv.
Ms. Sushma Suri, AOR
Mr. G.S. Makker, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. Kuldeep Chauhan, Adv.
Mr. Raghvendra Tiwari, Adv.
Mrs. Anil Katiyar, Adv.

Sulabh International

Dr. S.K. Verma, AOR
Ms. Gargi Tuli, Adv.
Mr. Arindam Mukherjee, Adv.

	Ms. Akansha Chandhok, Adv.
NCW	Ms. Joshita Pai, Adv. Mr. Mayank Sapra, Adv.
For States of Bihar	Mr. Gopal Singh, AOR Mr. Manish Kumar, Adv.
Chhattisgarh	Mr. Aniruddh P. Mayee, AOR Mr. A. Selvin Raja, Adv. Mr. Chirag Jain, Adv.
NCT of Delhi	Mr. D.S. Mahra, AOR
Gujarat	Ms. Hemantika Wahi, Adv. Ms. Jesal Wahi, Adv. Ms. Puja Singh, Adv. Ms. Mamta Singh, Adv. Ms. Shodhika Sharma, Adv.
H.P.	Mr. Varinder Kumar Sharma, Adv.
Kerala	Mr. Nishe Rajen Shonker, AOR Mrs. Anu K. Joy, Adv. Mr. Reegan S. B., Adv.
Karnataka	Mr. V.N. Raghupathy, AOR Mr. Parikshit P. Angadi, Adv. Mr. Md. Apzal Ansari, Adv.
Maharashtra	Ms. Swarupama Chaturvedi, Adv. Mr. Nishant R. Katneswarkar, Adv.
Manipur	Mr. Ashok Kumar Singh, AOR
Meghalaya	Mr. Ranjan Mukherjee, AOR
Mizoram	Mr. Shikhar Garg, Adv. Mr. Ganesh Bapu, Adv. Mr. P.V. Yogeswaran, AOR
Nagaland	Mrs. K. Enatoli Sema, AOR Mr. Edward Belho, Adv. Mr. Amit Kumar Singh, Adv. Mr. K. Luikang Michael, Adv. Mr. Z.H. Isaac Haiding, Adv.
Rajasthan	Mr. S.S. Shamsbery, AAG Mr. Amit Sharma, Adv. Mr. Ankit Raj, Adv. Ms. Indira Bhakar, Adv.

	Ms. Ruchi Kohli, Adv.
Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Simran Jeet, Adv. for M/s Arputham Aruna & Co.
Tamil Nadu	Mr. M. Yogesh Kanna, Adv. Ms. Sujata Bagadhi, Adv.
Telangana	Mr. S. Uday Kumar Sagar, Adv. Mr. Mrityunjai Singh, Adv.
Tripura	Mr. Gopal Singh, AOR Mr. Rituraj Biswas, Adv.
West Bengal	Ms. Nandini Sen, Adv. Mr. Chanchal Kr. Ganguli, Adv.
A&N Islands	Mr. Bhupesh Narula, Adv. Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR
Puducherry	Mr. V.G. Pragasam, AOR Mr. S. Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv.
Chandigarh	Mr. Sudarshan Singh Rawat, AOR
Applicant	Mr. Mahendra Singh, Adv. Mr. Tuhim Lavania, Adv. Mr. Ramkishor Singh Yadav, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Pursuant to our orders dated 11.08.2017 and 09.10.2017, the Secretary in the Ministry of Women and Child Development of the Government of India addressed a letter dated 13.10.2017 to the Chief Secretary of all the States / UTs (except Sikkim and Meghalaya) with a copy to the Principal Secretary/Secretary in

charge of Women and Child Department in all the States / UTs. The

letter reads as follows:

"Dear Chief Secretary,

In continuation to this Ministry's letter of even number dated 28.08.2017 and subsequent reminder dated 03.10.2017 on the subject cited above, it is informed that the requisite information/reply in the matter is still awaited from your State.

2. The above mentioned Writ Petition was heard by the Hon'ble Supreme Court on 09.10.2017 and, in its order dated 09.10.2017 (copy enclosed), the Hon'ble Court has made it very clear that this matter has to be taken up very seriously by the State Governments failing which the Hon'ble Court may take some action including seeking an explanation from the concerned Secretary in the state Government dealing with Women's Welfare along with payment of heavy costs.

3. I shall be very grateful, if you could take up the matter personally and ensure that a report on the status in your State/UT is sent to us at the earliest possible so as to enable us to cply with the Hon'ble Supreme Court's direction."

We have been informed by the learned ASG through an affidavit filed by the Ministry of Women and Child Development that the following States / UTs have not even bothered to respond to the letter sent by the Secretary in the Ministry of Women and Child Development of the Government of India:

1. Uttrakhand
2. Madhya Pradesh
3. Karnataka
4. Gujarat
5. Mizoram
6. Assam

7. Himachal Pradesh
8. J&K
9. Punjab
10. Tamil Nadu
11. Arunachal Pradesh
12. UT of Dadra & Nagar Haveli

The remaining States / UTs have given an incomplete response.

We are extremely pained to note from a reading of the affidavit and complete lack of a positive response from the State Governments / UTs that there is very little concern, if at all, for the welfare of women of the States / UTs. There is no use in making grand statements and submissions in favour of gender justice while the State Governments and the Government of UTs do not even have five minutes time to respond to the Ministry of Women and Child Development for the sake of women. This absence of concern is not going to take forward the rights of women in this country.

In view of complete lack of concern shown by each and every State Governments / UTs, we direct for the time being as follows:

- 1) The 12 State Governments / UTs that have not responded to the Secretary, Ministry of Women and Child Development will deposit costs of Rs.2,00,000/- each with the Supreme Court Legal Services Committee within a period of four weeks from today;
- 2) The State Governments / UTs that have given an incomplete response to the Secretary, Ministry of Women and Child Development will deposit an amount of Rs.1,00,000/- with the Supreme Court Legal Services Committee within a period of four weeks from today;

3) All the State Governments / UTs must, if they have any concern for the welfare of women of their States / UTs, respond giving full details as desired to the Secretary, Ministry of Women and Child Development, Government of India within three weeks from today;

4) The Secretary in the Ministry of Women and Child Development will compile the information in the form of a chart and place it on affidavit before this Court.

We hope and expect the State Governments / UTs to show at least some degree of sensitivity to women's welfare.

We make it clear that in case adequate responses are not given to the Secretary, Ministry of Women and Child Development, we will be constrained to require the presence of the Chief Secretary in the States / UTs in this Court to explain why they have not responded and why they do not care for the women of their States / UTs.

Learned ASG informs us that Swadhar Greh for widows has been constructed in Vrindavan, Mathura (UP). Photographs have been shown to us. He requests that the State of U.P. be directed to supply electricity and water to Swadhar Greh.

Learned counsel for the State of U.P. has been handed over the photographs. She says that she will take instructions and ensure that electricity and water is supplied to the Swadhar Greh.

We have received the report of the Committee constituted by our order dated 11.08.2017. We compliment the Committee for the

excellent work that it has carried out. The Secretary General will formally communicate our compliments and gratitude to each member of the Committee for their excellent effort.

A copy of the report may be given to the learned ASG, learned counsel for the petitioner, learned counsel for NALSA and learned counsel for the National Commission for Women for implementation.

Learned counsel appearing for NALSA says that a scheme has been prepared "Ensuring Access to Justice for Widows Living in Shelter Homes". She says that she will file it during the course of the day and will serve the scheme on the Government of India, the Committee constituted by this Court, National Commission for Women, State Legal Services Authority, learned counsel for the petitioner and to all the States / UTs for comments on implementation of the scheme.

List the matter on 30.01.2018.

I.A. 131832

Learned counsel for the applicant seeks leave to withdraw the application.

The application is dismissed as withdrawn.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER