

ITEM NO.47

COURT NO.9

SECTION PIL

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 : 30/01/2015 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.
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For Respondent(s) Mr. Ranjit Kumar, SG
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Ms. Preeti Bhardwaj, Adv.

For States of
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Mr. Tapesh Kumar Singh, Adv.

Madhya Pradesh

Mr. Sunny Choudhary, Adv.

Mr. Mishra Saurabh, Adv.

Maharashtra

Mr. Shankar Chillarge, AAG

Mr. Aniruddha P. Mayee, AOR

Manipur

Mr. Sapam Biswajit Meitei, Adv.

Mr. Ashok Kr. Singh, Adv.

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Tamil Nadu	Mr. B. Balaji, Adv. Ms. R. Rakesh Sharma, Adv.
Tripura	Mr. Gopal Singh, Adv. Mr. Rituraj Biswas, Adv. Ms. Rashmi Shrivastava, Adv.
Uttarakhand	Dr. Abhishek Atrey, Adv. Mr. Sumit Rajora, Adv. Mr. Pankaj Bhatia, Adv.
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Puducherry	Mr.V.G. Pragasam, Adv. Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv.
	Mr. Pankaj Bhatia, Adv. Mr. Vivek Chaudhary, Adv. Mr. Abhishek Atrey, Adv.

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

This writ petition pertains to female and male sterilization.

Earlier in Ramakant Rai Vs. Union of India [(2009) 16 SCC 565], this Court had issued nine directions. According to the learned Solicitor General, the directions have been complied with as far as the Union of India is concerned. The same will be considered at an appropriate stage.

However, the admitted position is that it is not very clear whether the State Governments/Union Territories have acted upon all the directions given by this Court and have implemented the guidelines and suggestions given by the Union of India from time to time.

The learned Solicitor General should ensure that a consolidated chart is prepared indicating the status of implementation of each of the directions given by this Court in Ramakant Rai (supra) as well as the directions sought for by the petitioner which have been referred to in the affidavit filed by the Union of India on 23rd July, 2014.

This exercise should be completed within a period of six weeks from today and up-to-date status of the

implementation and comments, if any, be filed immediately thereafter.

The Union of India has framed a Family Planning Indemnity Scheme some time in the year 2013 which provides *inter alia* for compensation in the event of death following sterilization, death following sterilization within 8-30 days from the date of discharge from the hospital, failure of sterilization, cost of treatment in hospital upto 60 days arising out of complication following sterilization operation and indemnity per doctor/ health facilities.

According to the learned counsel for the petitioner, the Indemnity Scheme has not been implemented inasmuch as it is not very clear whether the Central Government has released the funds under the aforesaid Scheme and whether the State Governments/Union Territories have passed on the funds to the deserving persons.

The learned Solicitor General submits that he will check up this aspect of the matter and file an affidavit in this regard within four weeks.

We have no doubt that all the State Governments and Union Territories will cooperate with the Central Government in this regard and in furnishing full, complete and accurate information regarding the implementation of directions.

We also direct the State of Chhattisgarh to file an affidavit indicating the steps that have been taken to ameliorate the conditions of the persons who faced recent tragedy in sterilization camps in Bilaspur where a large number of persons are said to have died. The State Government will also indicate the action that has been taken against the doctors involved and what steps have been taken to educate the people in the State of Chhattisgarh with regard to sterilization. The said affidavit be filed within four weeks positively. The State Government will also ensure that the payments are made under the Indemnity Scheme framed by the Central Government at the earliest.

List the matter on 20th March, 2015 with respect to disbursement of funds under the Indemnity Scheme and on 17th April, 2015 with regard to status of implementation of the directions.

(SANJAY KUMAR-I)
COURT MASTER

(RENU DIWAN)
COURT MASTER