

ITEM NO.4

COURT NO.5

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). 349/2006

VOLUNTARY HEALTH ASS. OF PUNJAB

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(with appln. (s) for clarification and directions and exemption from filing O.T. and further direction and impleadment as party respondent and permission and office report)

WITH

SLP(Cr1) No. 5800/2013  
(With Office Report)

W.P. (C) No. 575/2014  
(With Office Report)

W.P. (C) No. 341/2008  
(With appln.(s) for permission to file additional documents and Office Report)

Date : 17/11/2015 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

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SLP 5800/13 Ms. Ruchi Kohli, AOR

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Kerala	Mr. Ramesh babu, Adv.  Mr. Anupam Lal Das, Adv. Mr. Sahil Monga, Adv.  Mr. Guntur Prabhakar, Adv. Ms. Prerna Singh, Adv.

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

On 15.09.2015, while reproducing the earlier parts of the order pertaining to other States, the State of Orissa was directed to provide the Committee relevant documents especially the documents which are required for eradicating the deficiencies pointed out by the Committee. The documents were filed by the State in pursuance of our order and the Committee has filed a report pertaining to the State of Orissa.

Mr. Gonsalves, learned senior counsel appearing for the petitioners have drawn our attention to paragraphs 3 and 4 of the report. They read as follows :

"3. AS & MD (NHM) welcomed the participants of the meeting. JS (RCH) read out the Order dated 15.09.2015 passed by the Hon'ble Supreme Court in Writ Petition (C) No. 349/2006 specifying the mandate given to the committee for the scheduled meeting. He clarified that the purpose of this meeting to scrutinize and validate the data regarding the figures on sex ratio at birth and the follow up action taken by the State on the SIMC reports.

4. The State of Odisha had cited the data on Sex Ratio at Birth from the Civil Registration of births of State. State Provided the relevant data and C.D. M.O, Odisha. There are 314 rural registration units & 100 urban registration units I 30 districts in Odisha State. All the data is based on the records of civil registration system. The Sex Ratio at Birth (SRB) data fro the year 2013 submitted in the affidavit is 886 whereas as per the records submitted by the State data for the same period is 890. The representatives of the State clarified that in the affidavit, the figures were provisional."

Mr. Gonsalves, learned senior counsel has also filed a chart containing 'District-wise Sex Ratio at Birth of Odhsia State' commencing from the year 2010 to 2014. The said chart is reproduced below :

"DISTRICT WISE SEX RATIO AT BIRTH OF ODISHA STATE

Sl. No.	Name of the District	2010	2011	2012	2013	2014
1	2	3	4	5	6	7
1	Anugul	894	900	879	890	904
2	Balasore	923	891	912	870	870
3	Bargarh	923	889	913	891	913
4	Bhadrak	923	891	876	883	875
5	Bolangir	945	930	933	950	939
6	Boudh	983	957	936	934	918
7	Cuttack	860	874	860	854	843
8	Deogarh	896	954	958	954	938
9	Dhenkanal	856	833	850	845	849
10	Gajapati	875	930	927	890	892
11	Ganjam	902	880	867	813	794
12	Jagatsinghpur	912	905	842	777	852
13	Jajpur	863	876	828	824	823
14	Jharsuguda	859	902	882	908	878
15	Kalahandi	888	935	968	989	942
16	Kandhamal	912	943	950	962	940

17	Kendrapara	881	836	828	734	705
18	Keonjhar	934	923	950	965	930
19	Khurda	892	876	884	885	842
20	Korapaut	935	943	960	945	942
21	Malkangiri	948	947	993	942	935
22	Mayurbhanj	955	934	936	931	933
23	Nawarangpur	962	932	936	979	965
24	Nayagarh	874	859	774	844	811
25	Nuapada	945	956	955	909	1055
26	Puri	933	888	874	873	854
27	Rayagada	955	954	939	931	945
28	Sambalpur	906	918	908	891	903
29	Subarnapur	940	934	946	939	965
30	Sundargarh	911	892	865	897	906
31	ODISHA	911	902	896	886	889"

It is submitted by Mr. Gonsalves that the ratio has fallen in number of districts, for when the sex-ratio reduces below 900, there is a signal of a social disaster. He has pointed out too many districts where it has fallen below 900 and drawn our attention to two districts, namely, Kendrapara and Ganjam to highlight that the sex ratio has gone down to 705 and 794 in 2014. Be it stated, we have mentioned the two districts only to highlight that how the sex ratio has fallen in the year 2014 than what it was in 2010. It is a critical situation to be taken note of by the State Government as well as by the Committee in question.

At this juncture, we may note with profit that on the earlier occasion, Ms Anitha Shenoy, learned counsel had referred to Rule 18A of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules 1996. It is pointed by Mr. Parekh that the said rule had been brought into existence in 2014. Sub-rule (6) of Rule 18A provides that all the appropriate authorities including the State, District and sub-district shall submit quarterly progress report to the Government India through the State Government and maintain Form 'H' for keeping the

information of all the registrations made readily available. The Committee was directed to apprise us about the quarterly reports. A status report as on 31.10.2015 has been brought on record as Annexure-II. On a scrutiny of the report, we find that the States like, Assam, Bihar, Gujarat, Haryana, Karnataka, Madhya Pradesh, Manipur, Meghalaya, Mizoram, Punjab, Sikkim, Tamil Nadu, Telangana, Tripura and Uttar Pradesh have not furnished the quarterly report. Apart from the above States, Union Territories of Andaman & Nicobar Islands, Delhi and Lakshadweep have also not filed their quarterly report as on that date.

The States and Union Territories which have not filed their quarterly report as on that date, shall file the same before the concerned Committee on or before 30.11.2015.

We may further direct that unless it is specified by the Union of India or the Committee, the quarterly report by each of the State and Union Territory shall be furnished to the competent authority by 10<sup>th</sup> of each succeeding month.

Having heard learned counsel for the parties, we are of the considered opinion that the hearing should commence for the writ petition and the interlocutory applications which have been filed from time to time should be dealt with finally and accordingly for the said purpose, let the matter be listed on 12.01.2016.

Learned counsel for the parties shall file the written notes of submissions by 05.01.2016.

(Gulshan Kumar Arora)  
Court Master

(H.S. Parasher)  
Court Master