
(2015) 01 SC CK 0085

SUPREME COURT OF INDIA

Case No: Item No. 47 Court No. 9 Section PIL and Writ Petition(s) (Civil) No(s). 95 of 2012

Devika Biswas

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision: Jan. 30, 2015

Acts Referred:

- Constitution of India, 1950 - Article 32

Citation: (2016) 10 SCC 726

Hon'ble Judges: Mr. Madan B. Lokur and Mr. Uday Umesh Lalit, JJ.

Bench: Division Bench

Advocate: Andhra Pradesh Mr. Guntur Prabhakar, Advocate, Ms. Purna Singh, Advocate, Assam Mr. Navnit Kumar, Advocate, Ms. Kartika Sahay, Advocate for M/s Corporate Law Group, Bihar, Mr. Gopal Singh, AOR, Mr. Chandan Kumar, Advocate, Ms. Rashmi Shrivastava, Advocate, Chhattisgarh Mr. Aniruddha P. Mayee, Advocate, Mr. Chandatta Mahindrakar, Advocate, Mr. A. Selvin Raja, Advocate, Goa Mr. Siddharth Bhatnagar, Advocate, Mr. Rahul Arya, Advocate, Mr. T. Mahipal, AOR, Haryana Mr. Sanjay Kumar, AAG, Mrs. Vivekta Singh, Advocate, Mr. Akshay Vasishtiha, Advocate, H.P. Mr. Suryanaryana Singh, AAG, Ms. Pragati Neekhra, AOR, Jharkhand Mr. Tapes Kumar Singh, Advocate, Madhya Pradesh Mr. Sunny Choudhary, Advocate, Mr. Mishra Saurabh, Advocate, Maharashtra Mr. Shankar Chillarge, AAG, Mr. Aniruddha P. Mayee, AOR, Manipur Mr. Sapam Biswajit Meitei, Advocate, Mr. Ashok Kr. Singh, Advocate, Mr. Z.H. Isaac Haiding, Advocate, Meghalaya Mr. Ranjan Mukherjee, Advocate, Mr. Subhro Sanyal, Advocate, Mizoram Mr. Pragyan Sharma, Advocate, Mr. Heshu Kayina, Advocate, Nagaland Mrs. K. Enatoli Sema, Advocate, Mr. Amit Kumar Singh, Advocate, Mr. Balaji Srinivasan, AOR, Odisha Ms. Kirti R. Mishra, Advocate, Ms. Apurva Upmanyu, Advocate, Punjab Mr. Ajay Bansal, AAG, Mr. Gaurav Yadava, Advocate, Mr. J.S. Chhabra, Advocate, Sikkim Mr. A. Mariarputham, AAG, Ms. Aruna Mathur, Advocate, Mr. Yusuf Khan, Advocate, Mr. K. Vijay Kumar, Advocate, for M/s Arputham Aruna and Co., Tamil Nadu Mr. B. Balaji, Advocate, Ms. R. Rakesh Sharma, Advocate, Tripura Mr. Gopal Singh, Advocate, Mr. Rituraj Biswas, Advocate, Ms. Rashmi Shrivastava, Advocate, Uttarakhand Dr. Abhishek Atrey, Advocate, Mr. Sumit Rajora, Advocate, Mr. Pankaj Bhatia, Advocate, West Bengal Mr. Anip Sachthey, Advocate, Mr. Soumya Chakraborty, Advocate, Mr. Saakaar Sardana, Advocate, A&N Islands Mr. K.V. Jagdishvaran, Advocate, Mrs. G. Indira, Advocate, Puducherry Mr. V.G. Pragasam, Advocate, Mr. S.J. Aristotle, Advocate, Mr. Prabu Ramasubramanian, Advocate,

Mr. Pankaj Bhatia, Advocate, Mr. Vivek Chaudhary, Advocate, Mr. Abhishek Atrey, Advocate, for the States; Mr. Ranjit Kumar, SG, Ms. Sunita Rani Singh, Advocate, Ms. Sunita Sharma, Advocate, Ms. Sushma Suri, Advocate, Mr. D.S. Mahra, AOR, Mr. B.S. Banthia, AOR, Mr. B.V. Balaram Das, AOR, Mr. Himanshu Shekhar, AOR, Mr. Kamal Mohan Gupta, AOR, Mr. P. George Giri, AOR, Mr. P.V. Yogeswaran, AOR, Mr. Sunil Fernandes, AOR, Mr. V.N. Raghupathy, AOR, Ms. Asha Gopalan Nair, AOR, Ms. Bina Madhavan, AOR, Ms. Hemantika Wahi, AOR, Ms. Jesal, Advocate, Ms. Puja Singh, Advocate, Ms. Preeti Bhardwaj, Advocate, for the Respondents; Mr. Colin Gonsalves, Senior Advocate, Ms. Abhiti Gupta, Advocate, Ms. Neha Rathi, Advocate, Ms. Jyoti Mendiratta, AOR, for the Petitioners

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. This writ petition pertains to female and male sterilization.
2. Earlier in **Ramakant Rai v. Union of India [(2009) 16 SCC 565]**, this Court had issued nine directions.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 sterilisation 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 sterilisation operation and indemnity per doctor/ health facilities.
8. 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.

9. 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.

10. 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.

11. 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 sterilisation 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.

12. 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.