

# **CEHAT and Ors. vs Union Of India**

SUPREME COURT OF INDIA

31 March, 2003

Equivalent citations: 2003 (10) SCALE 11, (2003) 8 SCC 412

Bench: M Shah, A Kumar

ORDER

WP (C) No. 344 of 2002

1. The learned counsel for the petitioners seeks leave to withdraw this petition. Permission granted. The writ petition stands disposed of as withdrawn.

WP (C) No. 301 of 2000

2. Heard the learned counsel for the parties. The learned counsel for the petitioners points out that on 14-2-2003, the Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 was amended and it is now named as the Preconception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act. She submits that very few persons are aware of the new amendment. According to her submission the said amendment is in conformity with the various directions issued by this Court and, therefore, the amended Act also requires to be properly implemented. For this purpose, the learned counsel for the petitioners seeks the following reliefs:

"(i) direct the Union of India, State Governments/UTS and the authorities constituted under the PNDT Act to prohibit sex-selection techniques and its advertisement throughout the country;

(ii) direct that the appropriate authorities shall also include 'vehicles' in their quarterly reports hereinafter as defined under Section 2(d);

(iii) any person or institution selling ultrasound machine should provide information to the appropriate State authority in furtherance of Section 3-B of the amended Act;

(iv) direct that the State Supervisory Boards be constituted in accordance with the amended Section 16-A in order to carry out the functions enumerated therein;

(v) direct appropriate authorities to initiate suo motu legal action under the amended Section 17(4)(e);

(vi) direct that the Central Supervisory Board shall publish half-yearly consolidated reports based on the quarterly reports obtained from the State bodies. These reports should specifically contain information on:

(1) Survey of bodies and the number of bodies registered.

(2) Functioning of the regulatory bodies providing the number and dates of meetings held.

(3) Action taken against non-registered bodies inclusive of search and seizure of records.

(4) Complaints received and action taken pursuant thereto.

(5) Nature and number of awareness programmes. (vii) direct that the Central Supervisory Board shall carry out all the additional functions as given under the amended Section 16 of the Act, in particular, to oversee the performance of various bodies constituted under the Act and take appropriate steps to ensure its proper and effective implementation."

3. As against this, Mr Mahajan, learned counsel appearing for the Union of India submits that on the basis of the aforesaid amendment, appropriate action has already been taken by the Union of India for its implementation and almost all the State Governments/UTS are informed to implement the said Act and the rules and the State Governments/UTS are directed to submit their quarterly reports to the Central Supervisory Board.

4. Considering the amendment in the Act, in our view, it is the duty of the Union Government as well as of the State Governments/UTS to implement the same as early as possible. Hence, the State Governments/UTS are directed to file necessary affidavits within a period of ten weeks from today.

5. List after ten weeks.

WP (C) No. 339 of 2002

6. To be listed along with WP (C) No. 301 of 2000.