

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2020

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE ASHOK S. KINAGI

WRIT PETITION NO.12976 OF 2019 (GM-RES) PIL

BETWEEN:

DR. SARVABHOUM S. BAGALI
AGED 75 YEARS
SON OF LATE SATHAGOUD BAGALI
RESIDING AT KACHERI ROAD, INDI
VIJAYPUR DISTRICT - 586 209

... PETITIONER

(BY SRI G.R. MOHAN, ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA
BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU - 560 001
- 2 . PRINCIPAL SECRETARY
HEALTH AND FAMILY WELFARE DEPARTMENT
M.S. BUILDING
BENGALURU - 560 001
- 3 . THE DEPUTY COMMISSIONER AND
DISTRICT APPROPRIATE AUTHORITY UNDER
PC & PNDT ACT
VIJAYAPUR - 586 101.

... RESPONDENTS

(BY SRI C.M.POONACHA, ADDITIONAL GOVERNMENT
ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS TO THE RESPONDENTS TO STRICTLY FOLLOW THE DIRECTIONS ISSUED BY THE HON'BLE SUPREME COURT IN THE JUDGMENT DATED 08.11.2016 AS PER ANNEXURE-A IN W.P.NO.349/2006 AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THROUGH VIDEO CONFERENCING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

ORDER

We have perused the additional statement of objections filed by the State Government and in particular, paragraphs 4 to 6.

2. The learned counsel appearing for the petitioner states that now, substantial compliance has been made with almost all the directions issued in paragraph 33 of the order dated 8th November 2016 passed by the Apex Court in Writ Petition (Civil) No.349 of 2006, except clause (d) thereof. Clause (d) reads thus:

“The provisions contained in Sections 22 and 23 shall be strictly adhered to. Section 23(2) shall be duly complied with and it shall be reported by the authorities so that the State Medical Council takes necessary action after the intimation is given under the said provision. The Appropriate Authorities who have been appointed under Sections 17(1) and 17(2) shall be imparted periodical training to carry out the functions as required under various provisions of the Act.”

3. The State Government will have to issue necessary directions to the Appropriate Authorities and will have to ensure that periodical training is imparted to the Appropriate Authorities.

4. Accordingly, we pass the following order.

- (i) We direct the State Government to issue a direction in writing to the Appropriate Authorities appointed under sub-section (2) of Section 17 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short "the said Act of 1994") to comply with the requirements of sub-section (2) of Section 23 of the said Act of 1994. The direction shall be issued within a period of three weeks from today;
- (ii) The State Government shall ensure that periodical training programs are conducted for giving training to the Appropriate Authorities appointed under sub-section (2) of Section 17 of the said Act of 1994;

- (iii) The petition is disposed of with the above directions;
- (iv) Compliance shall be reported by the State Government by filing an affidavit on or before 15th October 2020. List the petition under the caption of Orders on 16th October 2020 for considering the compliance.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

AHB