

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.23979 of 2015 (O&M)
Date of decision: 29.8.2016

Help Group Welfare Society

.....Petitioner

vs.

Union of India and others

....Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. S.S. Narula, Advocate and
Mr. Gurinder Singh, Advocate, for the petitioner.
Mr. Sunil K.Sharma, Advocate, for Union of India.
Mr. Ankur Mittal, Additional Advocate General, Haryana.

Rajesh Bindal, J.

The petitioner, which claimed itself to be a NGO, has filed the present petition seeking to challenge the vires of Section 23 (2) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short, 'the Act'). The Section provides for that the name of the medical practitioner indulging in violation of the provisions of the Act shall be reported by the appropriate authority to the State Medical Council for taking appropriate action including suspension of the registration, if the charges are framed by the court and till the disposal of the case and on conviction for removal of his name from the register of the Council for a period of five years for the first offence and permanently for the subsequent offence.

The conduct of the petitioner is not understandable. Earlier, it filed CWP No.21565 of 2011 seeking a direction for implementation of the provisions of the Act in their true letter and spirit. Now the petitioner has filed the present petition raising the plea that the punishment as provided for

in Section 23 (2) of the Act, is stringent. The petitioner, who is not a person, who had been inflicted the punishment, cannot be permitted to raise the issue regarding the vires of the provisions of the Act, as it is not in larger public interest. Doctors or other persons, who are indulging in violation of the provisions of the Act are required to be dealt with sternly considering the falling sex ratio.

For the reasons mentioned above, we do not find any merit in the present petition. The same is dismissed accordingly.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

29.8.2016
sharmila

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No