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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 05 November, 2019

+ W.P.(C) 4678/2016

INDEPENDENT THOUGHT Petitioner
Through: Mr. Arjun Narula and
Mr. Vikram Srivastava, Advs.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Anuj Aggarwal, ASC-
GNCTD/R-2
Mr. T. Singhdev, Mr. Abijit Chakraborty, Mr.
Tarun Verma, Ms. Sumangla and
Ms. Arunima Pal, Advs. for R-3/MCI
Mr. Rakesh Kr. Sharma, SA (Pairvi Officer)-
GNCTD

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
05.11.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

W.P.(C) 4678/2016

1. This Public Interest Litigation has been preferred with the following prayers :

“A) Issue appropriate writ, order or direction in the nature of mandamus & for issuance of appropriate guidelines for conducting Caesarian operations on

pregnant woman and to regulate and monitor quality norms and standards therein in all hospitals in India.

B) That the above guidelines be issued in the interim by this Hon'ble Court in the interest of the best health interest of women and children and safeguards for children and women in India, until the Government of India is ready to deliver on its duty in this regard.

C) Issue necessary directions to Respondent No 1 to bring on record the actual status and number of caesarean section deliveries in different States of India within a specified period, as directed

D) Issue necessary directions to the Respondent Number 1 and 2 to Constitute Commission of Inquiry on the circumstances in which the average birth by caesarean section in private hospitals of Delhi, is as high as 65.54%; against 20.65% in the government hospitals of Delhi, and where the WHO norm allowed for birth by caesarean section is between 10 to 15% of the total deliveries.

E) Issue any other direction, order, guideline as it may deem fit in the interest of justice by this Hon'ble Court.”

2. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that the petitioner is in search of formulation of appropriate guidelines for conducting caesarean operations on pregnant women and to regulate and monitor quality norms and standards for the same in all the hospitals across India.

3. Issues involved in this writ petition are complex in nature which require expert knowledge and hence this Court does not deem fit for issuing any writ, order or direction for drafting the guidelines under the supervision/guidance of this Court.

4. Looking to the facts and circumstances of the case, the guidelines are required to be drafted by the concerned respondent authorities especially Respondent No.2. Looking to the grievances ventilated in the writ petition, we, therefore, direct the Respondent No.2 to treat this writ petition as a representation. Moreover, looking to the advisory dated 29th August, 2017 issued by the Respondent No.2 and orders passed by this Court dated 13th February, 2018, further actions if required shall be taken so that appropriate guidelines can be issued by the Respondent No.2. Hence, it is for the respondents to look into the issue and frame the guidelines after hearing all the stakeholders in this case.

5. With these observations, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J.

NOVEMBER 05, 2019/kr