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

Date of Decision: 6th November, 2019

+ W.P.(C) 7356/2018

MASTER AVYAAN RASTOGI THROUGH GUARDIAN NEHA
RASTOGI Petitioner

Through: Mr. Animesh Rastogi, Adv.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Amit Mahajan, CGSC with
Mr. Gitesh Chopra, Adv. for R-1
Ms. Hetu Arora Sethi, ASC with Mr. Siddarth
Agarwal, Adv. for R-2
Mr. Anil Grover, Standing Counsel with
Mr. Mishal Vij, Adv. for R-3/New DMC
Mr. Arjun Pant, Adv. for DDA/R-4
Ms. Monika Arora, NDMC with Mr. Harsh Ahuja,
Adv. for R-5/North DMC
Mr. Saroj Bidawat, Standing Counsel for R-7/
EDMC
Mr. Ajjay Aroraa, Mr. Kapil Dutta, Mr. Naveen
Toppo & Mr. Khosla, Advs. for SDMC
Ms. Kanika Singh & Ms. Himanshi Yadav, Advs.
for New DMC

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

JUDGMENT

D.N. PATEL, Chief Justice (Oral)

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

“a. Direct the state to setup basic facilities such as feeding Room/Changing rooms at public places for women and children;

b. Pass any other directions as necessary.”

2. Having heard the learned counsel for both sides and looking into the facts and circumstances of the case, it appears that this public interest litigation has been preferred for proper care of infants and it is submitted by the counsel appearing for respondent No.5 that a detailed status report has been filed along with the photographs stating therein that all care has been taken.

3. Learned counsel appearing for respondent No.3 has taken us to the status report filed by the respondent No.3 – New Delhi Municipal Council dated 5th November, 2019, para 4 thereof reads as under:

“4. In view of the directions passed the answering respondents states as under:-

i. That a meeting was convened by Director(Law), NDMC and 10 buildings under the administrative control of NDMC were identified where feeding/changing room could be provided. The details of the buildings are as under:

- Palika Kendra*
- Shaheed Bhagat Singh place.*
- Lok Nayak Bhawan.*
- Chanderlok building*
- Vidyut Bhawan.*
- Charak Palika Hospital*
- Palika Maternity Hospital*
- Polyclinic Bhagat Singh Marg.*
- Allopathic Dispensary, Dharam Marg,*
- Mayur Bhawan*

ii. That it is submitted that out of the above 10 identified buildings/places feeding rooms/changing room has been made

operational in 4 buildings i.e. Charak Palika Hospital, Palika Maternity Hospital, Polyclinic Bhagat Singh Marg and Allopathic Dispensary, Dharam Marg.

iii. That in regards to the other 6 buildings, it is submitted that work is being done on war footing and deliberations are being made by the Director (Estates-I) in consultation with the appropriate department(s) in order to make available spaces for feeding/changing room and the same is likely to be made operational with a month's time."

4. Thus, in view of the aforesaid status report filed by the New Delhi Municipal Council, ten buildings have been identified for providing feeding/changing rooms, out of which in four buildings feeding/changing rooms have already been made operational. It is also submitted by the learned counsel for respondent No.3 that rest of the feeding rooms will be made operational as early as possible and practicable preferably within a period of four weeks.

5. Learned counsel appearing for respondent No.2 submitted that Government of NCT of Delhi has already drafted a policy for "Setting up of feeding rooms for the purpose of baby care room or nursing station or changing soggy diapers or feeding of infants in public places". The said draft policy has been sent to the competent authority for its finalization. The said draft policy has been mentioned in the status report dated 2nd November, 2019 filed by the respondent No.2 (GNCTD) in which various parameters etc. have been pointed out for setting up of feeding/changing rooms and it is a comprehensive policy.

6. We have also heard the learned counsel for respondent No.5 – New Delhi Municipal Corporation who has submitted that 89 feeding/changing rooms are now operational. Similarly, learned counsel appearing for

respondent No.6 – South Delhi Municipal Corporation submitted that a detailed affidavit has been filed wherein it has been stated that 59 places have been identified as feeding places/buildings and 156 feeding rooms have already been made operational.

7. We have also been apprised by the learned counsel for respondent No.7 – East Delhi Municipal Corporation that 9 feeding rooms are made operational by them so far.

8. Thus, in view of the aforesaid status reports and counter affidavits filed by the respondents, it transpired that at more than hundred places, feeding/changing rooms have been made operational by the respondents so far. Moreover, a comprehensive policy has also been drafted by the respondent No.2 for setting up of feeding rooms. Thus, we see no reason to further monitor this case. Nonetheless, we hereby direct the respondents to maintain the feeding rooms and/or changing rooms which have been made operational by the respondents so far. We also expect from the respondents that more feeding rooms and/or changing rooms will be made operational as early as possible and practicable. The policy drafted by the respondent No.2 shall be finalized as early as possible.

9. With the aforesaid observation, this writ petition is hereby disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 06, 2019/ns