

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8656-2017 (O&M)
Date of decision:- 17.09.2024

Court on its own motion
...Petitioner(s)

Versus

Union of India and others
...Respondent(s)

CWP-15511-2015 (O&M)

Hindustan Welfare Blood Donors Club
...Petitioner(s)

Versus

Union of India and others
...Respondent(s)

CWP-PIL-205-2020 (O&M)

Punjab State Legal Services Authority
...Petitioner(s)

Versus

State of Punjab and others
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Shubham Mirok, Advocate,
for Mr. J.S. Thind, Advocate,
for the petitioner in CWP-15511-2015.
Mr. H.P.S. Sandhu, Advocate,
Mr. Harsh Vasu Gupta, Advocate,
for the petitioner in CWP-PIL-205-2020.
Mr. Arun Gosain, Senior Government Counsel (UOI),
for respondent No. 1 in CWP-8656-2017,
for respondents No. 1, 2 & 6 in CWP-15511-2015,
and for respondent No. 2 in CWP-PIL-205-2020.
Mr. Saurav Khurana, Additional Advocate General, Punjab.
Mr. Deepak Balyan, Additional Advocate General, Haryana.



Ms. Jasleen Kaur, Advocate,
for respondent No. 7 in CWP-15511-2015.
Mr. Pankaj Bains, Advocate,
for Mr. Ritesh Aggarwal, Advocate,
for the intervener in CWP-15511-2015.

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SHEEL NAGU, C.J. (ORAL)

1. This Court had taken *suo-motu* cognizance of a representation dated 23.03.2017 received from Bathinda Association of NGO's (Regd.), Tilak Bhawan, Opposite Ahluwalia Complex, Near Bank of Baroda, G.T. Road, Bathinda, Punjab that blood donated by volunteers at Blood Donation Camps being organized in the State of Punjab was being sold to the needy patients at exorbitant price. Besides this petition, two separate petitions styled as public interest litigation i.e. CWP-15511-2015 and CWP-PIL-205-2020 have also been filed qua the same cause.

2. The status reports by various authorities of the Central Government as well as the Governments of Punjab and Haryana have been filed and are on record. The status reports and the affidavits indicate that there is no statutory mechanism in law to regulate the process of sale of blood and as such the said process is governed by Executive Instructions in the shape of Guidelines issued by the Central Government as well as the Governments of Punjab and Haryana.

3. Mr. Arun Gosain, learned senior government counsel, appearing for the Union of India, further informs that the Central Government is contemplating formulating statutory provisions to regulate sale and disposal of blood preserved in blood bank(s).

4. The status reports of the Governments of Punjab and Haryana also indicate that after filing of these petitions right from 2017 onwards,



certain penal action has been taken by registration of criminal offences against unscrupulous elements who are indulging in unlawful sale and purchase of blood sample.

5. At this juncture, learned counsel for the petitioner in CWP-PIL-205-2020 has drawn the attention of this Court that after doing intensive research the petitioner has come up with certain suggestions for improvement in the process of preservation and disposal of blood by blood banks which are contained in para 13 at page 18 of CWP-PIL-205-2020.

6. This Court has no manner of doubt that, while legislating statutory provision, the Central Government would take the said suggestions into consideration and if the same are found to be reasonable, just and appropriate, then the Central Government can very well think of adopting the same.

7. With the hope and expectation that the Central Government would act expeditiously in legislating an Act to regulate preservation and disposal of blood to avoid any further grievance to the common man, this Court draws curtain on the controversy by disposing of these three petitions with liberty to the petitioners to revisit the Court in case any grievance remains un-redressed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

17.09.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No