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

+ W.P.(C) 8967/2021

SRISHTI MADURAI EDUCATIONAL RESEARCH

FOUNDATION

..... Petitioner

Through: Mr. Robin Raju, Advocate.

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Satyakam and Mr. Alok Raj,
Advocates for R-1 and R-2/GNCTD.
Ms. Neha Jain, Standing Counsel for
R-3/DCPCR.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

27.07.2022

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1. The instant Public Interest Litigation has been filed on behalf of the Petitioner/Srishti Madurai Educational Research Foundation, which is a non-Government funded trust, with the following prayers:

“(a) A writ or any order to direct the Respondents to implement the opinion of Delhi Commission for Protection of Child Rights (DCPCR) (Respondent No.3 herein);

(b) A writ or any other order declare a ban on medically unnecessary, sex selective surgeries on intersex infants and children;

(c) A writ or any other order to direct the respondents to

frame a detailed policy or guidelines specifying the conditions when can the medical surgery on intersex infants and children can be performed; and

(d) Pass any other order(s) which this Hon'ble Court may deem fit in view of the facts and circumstances of the instant case."

2. It has been submitted by the learned counsel appearing for the Petitioner that Delhi Commission for Protection of Child Rights (DCPCR) has submitted a detailed report to the Government of NCT of Delhi (GNCTD) on the issue of Sex-Selective Surgeries on intersex infants and children.

3. The relevant portion of the recommendations made by Delhi Commission for Protection of Child Rights (DCPCR) in its report is reproduced as under:

"10. The Commission advises the respective departments to include within the Committee people who are intersex, or from a similar marginalized background to be a formal member of the Committee. This step would ensure that the community is adequately represented, and their voices heard in the decision-making process.

11. After careful deliberations, the Commission is of the considered opinion that the Government of Delhi should declare a ban on medically unnecessary, sex-selective surgeries on intersex infants and children except in cases of life-threatening situations and advises the government accordingly.

12. With this recommendation, the petition would be henceforth considered disposed."

4. Learned counsel appearing for Government of NCT of Delhi (GNCTD) makes a very fair submission that GNCTD may be granted some time to take appropriate decision on the recommendations made by Delhi Commission for Protection of Child Rights (DCPCR). He, therefore, prays for and is granted eight weeks' time to take appropriate decision on the said recommendations made by DCPCR.
5. In light of the aforesaid, no further orders are required to be passed in the instant petition.
6. The petitioner, if aggrieved by the decision of GNCTD, shall be free to file a fresh petition.
7. With these observations, the petition is disposed of, along with pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JULY 27, 2022

S. Zakir