

OUTRAGE AS PARENTS END LIFE AFTER CHILD'S DENGUE DEATH, IN RE 709

**(2016) 10 Supreme Court Cases 709**

*(Record of Proceedings)*

*a* (BEFORE MADAN B. LOKUR AND DR D.Y. CHANDRACHUD, JJ.)<sup>§</sup>  
Suo Motu Writ (C) No. 1 of 2015, decided on October 3, 2016

OUTRAGE AS PARENTS END LIFE  
AFTER CHILD'S DENGUE DEATH, IN RE

*b* *With*  
(BEFORE MADAN B. LOKUR AND L. NAGESWARA RAO, JJ.)<sup>§</sup>  
Suo Motu Writ (C) No. 1 of 2015, decided on October 4, 2016

OUTRAGE AS PARENTS END LIFE  
AFTER CHILD'S DENGUE DEATH, IN RE

*c* *With*  
(BEFORE MADAN B. LOKUR AND AMITAVA ROY, JJ.)<sup>§</sup>  
Suo Motu Writ (C) No. 1 of 2015, decided on October 6, 2016

OUTRAGE AS PARENTS END LIFE  
AFTER CHILD'S DENGUE DEATH, IN RE

*d* *With*  
(BEFORE MADAN B. LOKUR AND ADARSH KUMAR GOEL, JJ.)<sup>§</sup>  
Suo Motu Writ (C) No. 1 of 2015, decided on October 17, 2016

OUTRAGE AS PARENTS END LIFE  
AFTER CHILD'S DENGUE DEATH, IN RE

*e* *With*  
(BEFORE MADAN B. LOKUR AND ADARSH KUMAR GOEL, JJ.)<sup>§</sup>  
Suo Motu Writ (C) No. 1 of 2015, decided on October 21, 2016

*f* OUTRAGE AS PARENTS END LIFE  
AFTER CHILD'S DENGUE DEATH, IN RE  
Suo Motu Writ (C) No. 1 of 2015, decided on October 3, 2016

*g* *With*  
Suo Motu Writ (C) No. 1 of 2015, decided on October 4, 2016

*g*

§ **Ed.**: Given the nature of these orders, they have been published in SCC, together, in chronological order, by the date of the order, as one combined report with the citation: (2016) 10 SCC 709. This is to facilitate a holistic view of the matters decided in such orders. Furthermore, to make it possible to search for a particular order by date as well, in SCC Online, each order has been reported separately with an independent citation with reference to the page on which it falls in SCC, in the combined report of all the orders i.e. (2016) 10 SCC 711(1); (2016) 10 SCC 711(2); (2016) 10 SCC 712; (2016) 10 SCC 713(1) and (2016) 10 SCC 713(2).

*h*

710

SUPREME COURT CASES

(2016) 10 SCC

*With*

Suo Motu Writ (C) No. 1 of 2015, decided on October 6, 2016

*With*

Suo Motu Writ (C) No. 1 of 2015, decided on October 17, 2016

*With*

Suo Motu Writ (C) No. 1 of 2015, decided on October 21, 2016

**Constitution of India — Arts. 21, 14, 32 and 47 — Vector borne diseases — Serious threat from dengue and chikungunya in Delhi — Effective strategy and better management — Directions issued on various dates**

— Areas of concern — Lt. Governor directed to call urgent meeting to identify and prepare action plan for areas of concern and take preventive measures — 15 areas of concern identified in first meeting dt. 5-10-2016 — Further areas directed to be identified in second meeting dt. 6-10-2016 — Garbage related causes being one of the main areas of concern, participants directed to discuss effective ways to clear garbage so that sanitation standards are maintained — Clarified if any follow-up meetings are required, they must be held

— Persons to participate in meeting — Court named the persons who should take part in said meeting — Clarified that (a) no substitute would be permissible for said participants, and (b) officers mentioned in order dt. 4-10-2016 will not be accompanied by any supporting staff — Exceptions being that Lt. Governor can be assisted by one officer of his choice in said meetings — Chief Minister, Delhi Development Authority and Chief Secretary could be replaced by named officers due to ill health, vacancy and leave respectively

— Positive approach — Interest of people of Delhi are of paramount importance — Thus participants directed to undertake said exercise in a positive manner so that their efforts are consultative, collaborative and cooperative — Therefore, negative remarks against Health Secretary not taken note of

SS-D/57652/C

Advocates who appeared in this case :

Colin Gonsalves (Amicus Curiae), Senior Advocate (Ms Shodhika Sharma, Tanya Agarwal and Kabir Ali Zia Choudhary, Advocates) for the Petitioner;  
Ranjit Kumar, Solicitor General, Ajit Kr. Sinha and C.U. Singh, Senior Advocates [R.K. Rathore, Shadman Ali, Rahul Mehra, Chirag M. Shroff (Advocate-on-Record), Ms Neha Sangwan, D.S. Mahra (Advocate-on-Record) and Rishi Kr. Singh Gautam, Advocates] for the Respondent.

OUTRAGE AS PARENTS END LIFE AFTER CHILD'S DENGUE DEATH, IN RE 711

**(2016) 10 SCC 711(1)**

**ORDER dated 3-10-2016**

*a* (BEFORE MADAN B. LOKUR AND DR D.Y. CHANDRACHUD, JJ.)

Suo Motu Writ (Civil) No. 1 of 2015

*b* 1. Mr C.U. Singh, learned Senior Counsel says that he will file an affidavit during the course of the day. Failure to file the affidavit in time has caused an avoidable adjournment. The matter is adjourned to 4-10-2016 subject to costs of Rs 25,000 to be paid by Mr Satyendra Kumar Jain by tomorrow (4-10-2016) with the Supreme Court Legal Services Committee for utilisation of juvenile justice issues. Permission is granted to the Health Secretary to file an affidavit.

**(2016) 10 SCC 711(2)**

**ORDER dated 4-10-2016**

*c* (BEFORE MADAN B. LOKUR AND L. NAGESWARA RAO, JJ.)

Suo Motu Writ (Civil) No. 1 of 2015

*d* 2. We have heard Mr C.U. Singh, learned Senior Counsel who says that he is appearing on behalf of the Government of Delhi. We have also heard the learned Solicitor General who says that he is appearing for the Government of Delhi. We have also heard the learned Amicus Curiae. All the learned counsel have expressed the view that everybody would like to cooperate for the benefit of the people of Delhi.

*e* 3. In our opinion, for the general interest of the people of Delhi and considering the fact that a large number of people are affected by dengue and chikungunya, it would be appropriate if a meeting is convened by the Lieutenant Governor tomorrow (on 5-10-2016) at 2.00 p.m. The participants should resolve issues relating to the better management of the problems faced by the people of Delhi due to dengue and chikungunya — and other issues, if so advised. The interests of the people of Delhi are paramount.

*f* 4. The learned Solicitor General says that he will request the Chief Secretary of the Government of Delhi to convey this to the Lieutenant Governor. The participants in the meeting will be: the Chief Minister; Mr Satyendra Kumar Jain, the Health Minister; Dr Puneet Kumar Goel, Commissioner of South Delhi Municipal Corporation; Mr Mohanjeet Singh, Commissioner of East Delhi Municipal Corporation; Mr P.K. Gupta, Commissioner of North Delhi Municipal Corporation; Mr Naresh Kumar, Chairman of the New Delhi Municipal Corporation; Mr Mangu Singh, Chairman of the Delhi Metro Rail Corporation; Mr A.K. Puthia, General Manager of the Northern Railway; Mr K.K. Sharma, Chief Secretary of Delhi; Mr C.K. Mishra, Union Health Secretary; Mr Uday Pratap Singh, the Vice-Chairman of the Delhi Development Authority and Mr B. Reddy Sankar Babu, Chief Executive Officer, Delhi Cantonment Board. The learned Amicus Curiae will also be present in the meeting. The Lieutenant Governor will be assisted by an officer *g* of his choice in the meeting. *h*

712

SUPREME COURT CASES

(2016) 10 SCC

5. We make it clear that no substitute will be sent in case anyone amongst these officers is not available for any reason.

6. It has been brought to our notice by the learned Solicitor General that certain remarks have been made against the incumbent Health Secretary Mr Bharti. The remarks are not taken note of at all since we are of the view that the entire matter should be looked at in a spirit of cooperation. List the matter on 6-10-2016.

(2016) 10 SCC 712

ORDER dated 6-10-2016

(BEFORE MADAN B. LOKUR AND AMITAVA ROY, JJ.)

Suo Motu Writ (Civil) No. 1 of 2015

7. This matter has been taken up on the basis of the news report titled "Outrage as parents end life after child's dengue death" published in *The Sunday Times of India* dated 13-9-2015. The Hon'ble the Chief Justice of India has passed an order on 16-9-2015 to treat it as a suo motu public interest litigation.

8. We have gone through the minutes of the meeting held yesterday and are quite disappointed with the outcome.

9. The learned Solicitor General says that another meeting will be convened today by the Lt. Governor at 5.30 p.m. with learned Amicus Curiae and the officers mentioned in our order dated 4-10-2016<sup>1</sup>. The officers mentioned in our order of 4-10-2016<sup>1</sup> will not be accompanied by any supporting staff.

10. Mr C.U. Singh, learned Senior Counsel says that the Chief Minister is unwell and perhaps may not be able to attend the meeting. If he is not in a position to attend the meeting, he will be represented by the Deputy Chief Minister.

11. We are told that the Delhi Development Authority does not have any incumbent Vice-Chairman and that the Member (Finance) of the Delhi Development Authority is in charge of the affairs of the Delhi Development Authority. Similarly, the Chief Secretary Mr K.K. Sharma is on leave and Mr S.N. Sahay is performing the functions of the Chief Secretary while he is on leave. They may participate in the meeting.

12. The learned Amicus Curiae will be entitled to take one person to assist him in the matter.

13. It is agreed between the learned counsel that the discussions will centre around the following three issues:

(i) 15 areas of concern that learned Amicus Curiae says he has culled out from the affidavits that have been filed and are on record.

(ii) If there are any additional areas of concern, the participants in the meeting will identify those areas and suggest ways and means to remove the

<sup>1</sup> Set out in paras 2 to 6, above.

OUTRAGE AS PARENTS END LIFE AFTER CHILD'S DENGUE DEATH, IN RE 713

problems including any problems that may arise in the 15 areas identified by the learned Amicus Curiae.

a (iii) The participants will discuss steps to be taken for preventing recurrence of the problems faced by the people of Delhi this year due to vector-borne diseases as also preventive steps for any contingency that may arise in the near future.

b 14. We expect the participants to arrive at a time-frame within which all necessary steps will be taken and who will be responsible for their implementation.

c 15. We may also mention that it was pointed out to us by the learned Amicus Curiae on 4-10-2016 that there is a huge amount of garbage lying in and around the city and that is also one of the reasons for vector-borne diseases. The participants will discuss effective ways to have the garbage cleared so that standards of sanitation and hygiene are maintained in and around Delhi.

d 16. We expect the participants to keep the interests of the people of Delhi in mind and look out at the entire exercise in a positive manner and think about the future rather than the past. We also expect the efforts to be consultative, collaborative and cooperative.

17. Needless to say, if any follow-up meetings are required, they can certainly be held. List the matter on 17-10-2016.

**(2016) 10 SCC 713(1)**

**ORDER dated 17-10-2016**

(BEFORE MADAN B. LOKUR AND ADARSH KUMAR GOEL, JJ.)

Suo Motu Writ (Civil) No. 1 of 2015

e 18. On the request of the learned Amicus Curiae, list the matter on 21-10-2016. Liberty to file the minutes of the meetings.

**(2016) 10 SCC 713(2)**

**ORDER dated 21-10-2016**

(BEFORE MADAN B. LOKUR AND ADARSH KUMAR GOEL, JJ.)

Suo Motu Writ (Civil) No. 1 of 2015

f 19. We have heard the learned Solicitor General, learned Amicus Curiae and other learned counsel for the parties. We have also gone through the minutes of the meetings that have been held by the Lt. Governor. There is some dispute about some aspects of the minutes that have been prepared. We do not propose to go into those aspects.

g 20. The learned Solicitor General assures us that the decisions taken in the meetings will be implemented at the earliest and with due seriousness. He says that some of the decisions have already been implemented and some of them are in the process of implementation.

h 21. The issue of disposal of solid waste seems to be quite alarming in the sense that we have been informed by the learned Solicitor General that some

714

SUPREME COURT CASES

(2016) 10 SCC

of the landfill sites have got solid wastes going up to the height of 45 m. As mentioned above, this is quite alarming and some urgent and immediate steps need to be taken.

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**22.** We request the learned Amicus Curiae who has been assisting us in the matter to convene a meeting of the Municipal Commissioners, who are present in Court today, as well as other stakeholders as deemed appropriate at the earliest so that all issues of solid waste management, including segregation of garbage, can be taken care of.

**23.** The meeting should be chaired by the Chief Secretary and will be convened by the learned Amicus Curiae in consultation with the Chief Secretary.

*b*

**24.** The MLAs of the areas concerned where landfill sites are located i.e. Balsawa, Okhla and Ghazipur, are requested to participate in the meeting so that some composite solution can be arrived at with their assistance.

**25.** List the matter on 11-11-2016. The status report as also the minutes of the meetings should be filed by 8-11-2016.

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Court Masters

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