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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1252/2023**
SRISHTI MADURAI EDUCATIONAL RESEARCH
FOUNDATION

..... Petitioner

Through: Mr. Robin Raju, Adv.
versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Pradyut Kashyap, Adv. for Mr.
Satyakam, ASC
Ms. Neha Jain, SC for R-3

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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04.09.2023

CM APPL. 45538/2023-EX.

Allowed subject to all just exceptions.

The application stands disposed of.

CONT.CAS(C) 1252/2023

1. This is petition seeking initiation of contempt proceedings for non-compliance of the order dated 27.07.2022 passed in WP(C) 8967/2021.
2. As per the said order, it was directed as under:-

“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.””

3. It is stated by Mr. Raju, learned counsel for the petitioner that despite these directions, the respondents have not taken any action.
4. Mr. P. Kashyap, learned counsel appearing for Mr. Satyakam, learned ASC has handed over a letter dated 25.08.2023, wherein it has been stated that a Committee under the chairmanship of Dean MAMC was constituted by DGHS for drafting a policy regarding sex selective surgeries on intersex infants and children.
5. Keeping in view the letter dated 25.08.2023, as of today, I am not



inclined to issue contempt notice.

6. Let the matter be listed after 8 weeks for the respondent to file an up-to-date status report indicating the status of the draft policy.
7. List on 20.11.2023.
8. The letter dated 25.08.2023 is taken on record.

JASMEET SINGH, J

SEPTEMBER 4, 2023 / (MS)

[Click here to check corrigendum, if any](#)