

ITEM NO.1

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSM.A. NO.2560/2018
IN
W.P.(C) NO.738/2016

DR ASHWINI KUMAR

Petitioner(s)

VERSUS

UNION OF INDIA MINISTRY OF HOME AFFAIRS Respondent(s)
(FOR ADMISSION and IA No.132761/2018-CLARIFICATION/DIRECTION)

Date : 22-01-2019 This application was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s)

Dr. Ashwini Kumar, applicant-in-person
Ms. Raushan Tara, Adv.
Ms. Tanushree Nigam, Adv.

For Respondent(s)

Mr. K.K. Venugopal, AG
Ms. Pinky Anand, ASG
Mrs. Madhvi Diwan, ASG
Ms. Snidha Mehra, Adv.
Mr. Sumit Teterwal, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. R. Balasubramaniam, Adv.

Ms. Shobha Gupta, Adv.
Mr. Sourav Roy, Adv.UPON hearing the counsel the Court made the following
O R D E R

We have perused the affidavit filed by the Joint Secretary, Ministry of Home Affairs, Government of India wherein it has, *inter alia*, been stated that to implement

the 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment', the Prevention of Torture Bill, 2017 was referred to all the States for their inputs and comments. This was as far back as on 28th February, 2018. It has been further stated that reminders were also sent to the States on 27th June, 2018, 27th November, 2018 and 20th December, 2018.

The Joint Secretary has gone on record in stating that response of the following States/Union Territories has been received:

- (1) Himachal Pradesh
- (2) Jharkhand
- (3) Meghalaya
- (4) Sikkim
- (5) Tripura
- (6) Uttarakhand
- (7) Andamana and Nicobar islands, and
- (8) Chandigarh

The Joint Secretary in the said affidavit has also stated that the response from the other States/Union Territories are awaited and that on 21st January, 2019 another communication/reminder has been sent to these States seeking their inputs/comments within four weeks.

Having heard Shri K.K. Venugopal, learned Attorney General on behalf of Union of India and Dr. Ashwini Kumar, applicant appearing in person we direct the Chief Secretaries of the following States/Union Territories to send their comments/inputs on the Prevention of Torture Bill, 2017 within three weeks from today i.e. on or before 11th February, 2019. Thereafter, the Union of India will file a status report with regard to further steps that would be taken and the time frame within which the same will be completed.

1	Andhra Pradesh
2	Arunachal Pradesh
3	Assam
4	Bihar
5	Chhattisgarh
6	Goa
7	Gujarat
8	Haryana
9	Jammu and Kashmir
10	Karnataka
11	Kerala
12	Madhya Pradesh
13	Maharashtra
14	Manipur
15	Mizoram

16	Nagaland
17	Odisha
18	Punjab
19	Rajasthan
20	Tamil Nadu
21	Telangana
22	Uttar Pradesh
23	West Bengal
24	Dadar and Nagar Haveli
25	Daman and Diu
26	Delhi
27	Lakshadweep
28	Puducherry

We further direct the Chief Secretary/ies of the State(s)/Union Territory(ies) to be personally present before the Court on 13th February, 2019 in the event there is any failure to comply with the directions contained in the present order.

List the matter on 13th February, 2019.

[VINOD LAKHINA]
AR-cum-PS

[ANAND PRAKASH]
BRANCH OFFICER