

No. EDN-HE (21) F (09)-07/2017-AIDS-

Directorate of Higher Education

Himachal Pradesh

Telephone Number: 0177-2653120,2653386 Extension: 234 Fax: 0177-2812882

E-mail: dir.edu@rediffmail.com & genbr@rediffmail.com

Dated: Shimla-171001 the

From:- The Director of Higher Education
Himachal Pradesh

To
All the Deputy Directors of Higher Education,
in Himachal Pradesh


Subject: - Writ Petition (C) No. 147 of 2014, titled Naz Foundation (India) Trust
Vs. Union of India & Ors.

Memo:
Please find enclosed herewith a copy of letter Number-
HPSACS/IEC/Misc/14/V-47-dated: 11.04.2017 received from the Director, Health
Services, Himachal Pradesh-Project Director, HPSACS, Shimla on the subject cited
above.

In this connection, it is to inform you that Hon'ble Supreme Court of India has passed order on dated: 31.03.2017 in Writ Petition (C) No. 147 of 2014, titled Naz Foundation (India) Trust Vs. Union of India & Ors to all States/Union Territories to consider issuing appropriate notification (s) to bring children living with or affected by HIV within the definition of "Child Belongs to Disadvantaged Group" as defined under Section 2 (d) of Right of Children to Free and Compulsory Education Act, 2009 and time limit of four weeks from orders has been given to issue notification.

Therefore, you are hereby directed to comply with these orders passed by the Hon'ble Supreme Court and circulate the same amongst the field functionaries under your jurisdiction under intimation to this Directorate. These orders may be implemented / obeyed in letter & spirit. If any Officer failed to obey the orders of higher authorities disciplinary proceedings will be initiated against his/her as warranted under CCS Rules.

Kindly Personal Attention may be given to the letter.

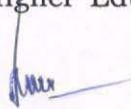

(Dr. B. L. Vinta)
Director of Higher Education
Himachal Pradesh

शिक्षा निदेशालय उच्चतर शिक्षा
24 APR 2017
शिमला-1

Endst. No. Even Dated: Shimla-171001 the

Copy for information to:

- 1 The Director, Health Services, Himachal Pradesh-Project Director, HPSACS, Shimla, Government of Himachal Pradesh, Department of Health & Family Welfare, Himachal Pradesh State Aids Control Society, Hari Villa, Near Forest House, Khalini Shimla-9 w.r.t. his letter Number referred above.
- 2 The Superintendent (Computer/ IT Cell), Directorate of Higher Education, Himachal Pradesh, Shimla-1 is hereby requested to upload the same on departmental website.
- 3 The Superintendent(Legal Cell), Directorate of Higher Education, Himachal Pradesh.
- 4 Guard file.


Director of Higher Education
Himachal Pradesh

No. HPSACS/IEC/Misc/14/V- 47
Government of Himachal Pradesh
Department of Health & Family Welfare
Himachal Pradesh State AIDS Control Society
Hari Villa, Near Forest Rest House, Khalini Shimla-2
Telephone No.: 0177-2621608 Telefax No.: 0177-2625857 Helpline No.: 1097
Website: www.hpsacs.org E-Mail: sacshp@gmail.com



Dated: Shimla- 171002, the 11th April, 2017

To

1. The Director, Higher Education Department, HP, Shimla-1
2. The Director, Elementary Education Department, HP, Shimla-1

Subject: Writ Petition (C) No. 147 of 2014, titled Naz Foundation (India) Trust Vs. Union of India & Ors.

Sir,

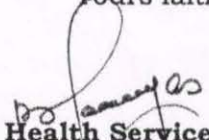
This is with reference to National AIDS Control Organization, New Delhi letter No. X-19011/20//2017-NACO (IEC & MS) dated 6th April 2017 on the subject cited above.

It is to inform that Hon'ble Supreme Court of India on 31st March 2017 has issued orders directing therein all States/Union Territories to consider issuing appropriate notification (s) to bring children living with or affected by HIV within the definition of "Child Belongs to Disadvantaged Group" as defined under Section 2 (d) of The Right of Children to Free and Compulsory Education Act, 2009" and time limit of four weeks from orders has been given to issue notification.

In this regard, it is requested to kindly issue necessary notification as mentioned above as per orders of Hon'ble Supreme Court of India. A copy of order passed by Hon'ble Supreme Court alongwith other relating documents are enclosed herewith for your kind reference.

Yours faithfully,

Encl.: As above



Director Health Services, HP
-cum-Project Director,
HPSACS, Shimla

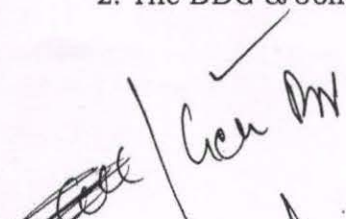
Endst. No. As above/-

Dated Shimla-2, the

CC to:-

1. The Principal Secretary (Education) to the Govt. of HP alongwith copy of order of Hon'ble Supreme Court of India and relating documents for favour of kind information, please.
2. The DDG & Joint Director (IEC), NACO New Delhi for information, please.


Director Health Services, HP
-cum-Project Director,
HPSACS, Shimla



**X-19011/20/2017-NACO (IEC & MS)
Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare
National AIDS Control Organisation**

Time Bound

Date- 6th April, 2017

To,

**All the Project Directors,
State AIDS Control Societies.**

Subject- Writ Petition (C) No. 147 of 2014, titled Naz Foundation (India) Trust Vs. Union of India & Ors.

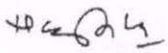
Dear All,

The Hon'ble Supreme Court on 31st March 2017 has passed an order directing all State / Union Territories to consider issuing appropriate individual notification(s) to bring children living with or affected by HIV within the definition of "Child Belongs to Disadvantaged Group" as defined under Section 2 (d) of The Right of Children to Free and Compulsory Education Act, 2009.

In this regard a time limit of four weeks has been given to issue the notification under Section 2 (d) of The Right of Children to Free and Compulsory Education Act 2009, and in case State / Union Territories do not issue such notification under Section 2 (d) should file an affidavit "explaining why they consider it unnecessary".

It is requested to comply with the order of the Hon'ble Supreme Court within the set time frame. The copy of the order and the communication received by NACO is enclosed here with for reference and necessary action. The action taken in this regard may be shared with undersigned and marked to Mr. Ravi S Bhushan @ ravi.nacol@gmail.com.

Yours faithfully


(Dr. Naresh Goel)

**Enclosed- Copy of the SC order dated 31.03.17
Copy to- PS to AS & DG, NACO for information**

Time bound
leaf 107

परमजीत सिंह पतवालीया
PARAMJIT SINGH PATWALIA



अपर महा-सोलिसिटर
भारत
ADDITIONAL SOLICITOR GENERAL
OF INDIA

Chamber No. 24, Law Officer's Chambers,
Supreme Court of India,
New Delhi

Telephone : +91-11-23383589

March 31, 2017

508408
05/4/2017

A.S. & M.D. (NHM) Office

FTS No. 508408

Date: 5/4/17

To:
The Secretary
Department of School Education & Literacy
Ministry of Human Resource Development
Shastri Bhavan
New Delhi.

**Subject:- Writ Petition (C) No. 147 of 2014, titled Naz Foundation (India) Trust
Vs. Union of India & Ors.**

Dear Sir,

The above captioned matter was listed today, i.e., 31.03.2017 before the Hon'ble Supreme Court for hearing. The Hon'ble Supreme Court was apprised that certain States/Union Territories have so far not issued any notification(s) to include children living with or affected by HIV within the definition of "Child Belonging to Disadvantaged Group" as defined under Section 2 (d) of the Right of Children to Free and Compulsory Education Act, 2009. Thus, the Hon'ble Supreme Court was pleased to pass an order directing all States/Union Territories are to consider issuing appropriate individual notification(s) to bring children living with or affected by HIV within the definition of "Child Belonging to Disadvantaged Group" as defined under Section 2 (d) of the Right of Children to Free and Compulsory Education Act, 2009 and in case they do not issue such a notification, then the concerned government would file an affidavit with reasons as to why the notification has not been issued within four weeks from today. Since the Central Government would have to issue the appropriate notification(s) for the Union Territories, you are requested to comply with the above-mentioned order at your end at the earliest.

A copy of the order passed by the Hon'ble Supreme Court in the above captioned matter on 31.3.2017 is annexed alongwith.

P-6 4475 2017/AS(NACE)
06/04/2017

AS-AND

copy (15)

URGENT

Pl. comply immediately

This matter pertains to IEC provision Contd. 14/12

परमजीत सिंह पतवालीया
PARAMJIT SINGH PATWALIA



अपर महा-सोलिसिटर
भारत
ADDITIONAL SOLICITOR GENERAL
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Chamber No. 24, Law Officer's Chambers,
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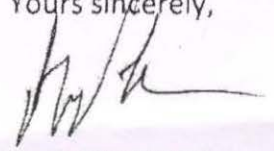
- 2 -

In this regard, the Hon'ble Supreme Court has directed you to communicate the details of the Order dated 31.03.2017 to all the relevant State Governments/Governments of Union Territories within a week from today, and it should be ensured that the same is done.

This may kindly be treated as **Most Urgent**.

With regards,

Yours sincerely,


(P.S. PATWALIA)

Encl: Annexure

Copy to:

- (1) The Secretary, Department of Higher Education, Ministry of Human Resource Development, Shastri Bhavan, New Delhi.
- ✓ (2) The Secretary, Department of Aids Control, Ministry of Health & Family Welfare, Nirman Bhavan, C Wing, New Delhi – 110001.

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition(s) (Civil) No(s). 147/2014

NAZ FOUNDATION (INDIA) TRUST

Petitioner(s)

VERSUS

U.O.I & ORS

Respondent(s)

(with appln. (s) for directions and exemption from filing O.T. and office report)

Date : 31/03/2017 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Petitioner(s) Mr. Anand Grover, Sr. Adv.
Ms. Tripti T., Adv.
Ms. L. Mirauith, Adv.
Ms. Shrinidhi Rao, Adv.
Mr. Mukesh Kumar Singh, Adv.
For Mr. Purushottam Sharma Tripathi, Adv.For Respondent(s) Mr. P.S. Patwalia, ASG
Mr. Ashok K. Srivastava, Adv.
Mr. T.A. Khan, Adv.
Mr. Rajat Singh, Adv.
Mr. Gurmeet Singh Makker, Adv.Mr. Edward Belho, AAG
Mrs. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.
Mr. K. Luikang Michael, Adv.
Ms. Elix Gangmei, Adv.
Mr. Z.H. Isaac Haiding, Adv.Mr. C.D. Singh, AOR
Mr. Prateek Rusia, Adv.
Ms. Sakshi Kakkar, Adv.Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Amit Arora, Adv.
For Arputham Aruna & Co.S. Biswajit Meitei, Adv.
Mr. Ashok Kumar Singh, Adv.

Mr. Siddhesh Kotwal, Adv.
Ms. Shreya B., Adv.
Mr. Raghunatha Sethupathy, Adv.
For Mr. Nishant Ramakantrao Katneshwarkar, Adv

Mr. Guntur P., Adv.
Ms. Prerna Singh, Adv.

Mr. Bhupesh Narulla, Adv.
Mr. K.V. Jagdishvaran, Adv.
Mrs. G. Indira, AOR
Mr. Gopal Prasad, Adv.

Ms. Anindita Pujari, Adv.
Ms. Ananya Mishra, Adv.

Mr. Aniruddha P. Mayee, Adv.
Mr. A. Selvin Raja, Adv.

Mr. C. K. Sasi, Adv.

Mr. M. R. Shamshad, Adv.
Mr. Vaibhav yadav, Adv.
Mr. Aditya Samaddar, Adv.

Mr. Soumitra G. Chaudhuri, Adv.
Mr. Chanchal K. Ganguli, AOR

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Anuj Sarma, Adv.
Ms. Niharika, Adv.
Ms. Kanika Kalaiyarasan, Adv.
M/s. K. J. John & Co.

Mr. Gopal Singh, AOR
Mr. Rituraj Biswas, Adv.
Ms. Varsha Poddar, Adv.

Ms. Diksha Rai, Adv.

Mr. V. G. Pragasaam, Adv.
Mr. S. Prabu Ramasubramanian, Adv.

Dr. Monika Gusain, AOR
Mr. Karunesh Kumar Shukla, Adv.

Ms. Bhuvneshwari Pathak, Adv.
Ms. Shilpi Satyapriya Satyam, Adv.
Mr. Ashutosh Kumar Sharma, Adv.
Mr. Rahul Kaushik, Adv.

Mr. M. Yogesh Kanna, Adv.

Ms. Nithya, Adv.
Mrs. Maha Lakshmi, Adv.
Mr. Partha Sarathi, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. G. N. Reddy, Adv.

Mr. Kamal Mohan Gupta, Adv.
Mr. Kuldip Singh, Adv.

Mr. Parijat Sinha, Adv.
Mr. P. V. Yogeswaran, Adv.

Mr. Samir Ali Khan, Adv.

M/s Arputham, Adv.

M/s Corporate Law Group

Ms. Liz Mathew, Adv.
Ms. Pragati Neekhra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Certain Rights accrue to all children under the Right of Children to Free and Compulsory Education Act, 2009. Certain additional rights also accrue to children under the above Act, if they are declared as belonging to a disadvantaged group, by a notification issued by any individual State Government, under Section 2(d) of the above Act.

We are informed that 11 States and 1 Union Territory have issued such notifications, declaring children living with or affected by HIV, as belonging to a disadvantaged group.

We are of the prima facie view, that State Governments need to consider the issuance, so as to include children living with or affected by HIV, to be notified as belonging to a disadvantaged group under Section 2(d), within four weeks from today. Ordered accordingly.

Such of the State Governments as are unwilling to voluntarily issue a notification as aforementioned, may file an affidavit before this Court, within four weeks, indicating the reasons why they consider it unnecessary to issue such a notification.

Respondent No. 1 shall communicate the instant order to all Secretaries in States of the Department of School Education within a week from today.

Post for hearing after four weeks.

(SONALI SAUND)
SR. P. A

(RENUKA SADANA)
ASSISTANT REGISTRAR