

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.527 OF 2011

TRAINED NURSES ASSOCIATION OF INDIA ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

J U D G M E N T

ANIL R. DAVE, J.

1. Heard the learned counsel for the petitioner-Association, the learned Additional Solicitor General appearing on behalf of the Union of India, the learned counsel appearing on behalf of Respondent No.37, i.e., Indian Nursing Council and other learned counsel appearing for different States.

2. The petitioner-Association has ventilated its grievance with regard to the working conditions of nurses in private hospitals and nursing homes. The prayers made in this petition read as under :

"a) issue guidelines for improving the working condition of nurses in hospitals/nursing homes;

b) direct all the respondents to adhere to

the guidelines/rules framed by this

Hon'ble Court till necessary legislation

is made by the Parliament/State Legislative Assemblies;

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c) issue necessary directions to ensure that nurses working in the private sector are paid salary equivalent to those working in Government hospitals;

d) issue necessary directions to the respondents to take appropriate action

Signature Not Verified

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Sarita Purohit
Date: 2016.02.02
16:32:38 IST

Reason:

against hospitals/nursing homes insisting on bond from nurses working in their establishments;

- e) issue a declaration that the bond system practiced by hospitals/nursing homes is unconstitutional and illegal;
- f) issue appropriate directions to 1st respondent to frame necessary guidelines to improve working conditions of nurses in India;
- g) pass any other/further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case to meet the ends of justice."

3. Upon hearing the learned counsel and going through the petition, we feel that the nurses who are working in private hospitals and nursing homes are not being treated fairly in the matter of their service conditions and pay.

4. We expect that the Central government will look into the grievances ventilated in this petition, by forming a Committee within four months from today. We are sure that after examining the factual situation, if the Committee is of the view that the grievances ventilated in the petition are correct, the Committee will make its recommendations, so as to do the needful for improvement of working conditions and pay of the nurses working in private

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hospitals and nursing homes within six months from its constitution, which can ultimately be given a form of legislation by the respondent-States or by the Central Government itself.

5. We are sure that the recommendations of the Committee shall be duly considered by the Central Government and it shall do the needful.

6. We do not propose to give any guidelines, as prayed for in this petition, as the grievances are to be looked into by the Committee consisting of experts.

7. So far as the grievance, with regard to system of execution of bonds by private hospitals and nursing homes, is concerned, the learned counsel appearing on behalf of

Mr. Sanjeev Tayal,Adv.

State of Gujarat Ms. Jesal Wahi,Adv.
Ms. Vinakshi Kadan,Adv.
For Ms. Hemantika Wahi,Adv.

State of HP Mr. Suryanarayana Singh,AAG(Not present)
For Ms. Pragati Neekhara,Adv.

State of J&K Mr. G.M. Kawoosa,Adv.
For Mr. Sunil Fernandes,Adv.

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State of Manipur Mr. Sapam Biswajit Meitei,Adv.
Mr. Linthoingambi Thongam,Adv.
Mr. Z.H. Isaac Haiding,Adv.
Mr. Ashok Kumar Singh,Adv.

State of Meghalaya Mr. Ranjan Mukherjee,Adv.(Not present)

State of Mizoram Mr. Pragyan Sharma,Adv.
Mr. Shikhar Garg,Adv.
Mr. T.L.V. Rama Chari,Adv.
Mr. K.V.L. Raghavn,Adv.
Mr. Hitesh Kumar Sharma,Adv.
For Mr. P. V. Yogeswaran,Adv.

State of Nagaland Mrs. K. Enatoli Sema,Adv.
Mr. Edward Belho,Adv.
Mr. Amit Kumar Singh,Adv.

State of Odisha Mr. Sibbo Sankar Mishra,Adv.

State of Pb. Mr. Ashok Agarwal,Adv.Gen.
Mr. Saurabh Ajay Gupta,Adv.
Mr. Nishant Bishnoi,Adv.
For Mr. Kuldeep Singh,Adv.

State of Rajasthan Mr. Shiv Mangal Sharma,AAG (Not present)
for Ms. Ruchi Kohli,Adv.

State of Sikkim Ms. Aruna Mathur,Adv.
Ms. Anuradha Arputham,Adv.
For M/s. Arputham Aruna & Co.,Advs.

State of Uttarakhand Mr. Ashutosh Kumar Sharma,Adv.
Mr. Saurabh Trivedi,Adv.

State of UP Mr. Irshad Ahmad,AAG(Not present)
for Mr. Abhishth Kumar,Adv.

Govt. of Puduchery Mr. V.G. Pragasam,Adv.
Mr. Prabhu Ramasubramanian,Adv.

UT of Andman & Nicobar Admn. Mr. K.V. Jagdishvaran,Adv.
Mrs. G. Indira,Adv.

UT of Chandigarh Ms. Vimla Sinha,Adv.
Ms. Varsha Poddar,Adv.
For Mr. Gopal Singh,Adv.

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Mr. A Subhahini,Adv.
Mr. B. Balaji,Adv.(Not present)
Mr. Ashok Kumar Singh,Adv.
Mr. Hrishikesh Baruah,Adv.

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

The writ petition is disposed of in terms of signed

Reportable Judgment

(Sarita Purohit)
Court Master

(Sneh Bala Mehra)
Assistant Registrar

(Signed Reportable judgment is placed on the file)