

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;

- 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 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

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 Indian Nursing Council has submitted that the said system has now been abolished. Therefore, the said grievance does not survive.

8. With the aforesaid directions, the writ petition stands disposed of.

.....J.
[ANIL R. DAVE]

.....J.
[SHIVA KIRTI SINGH]

.....J.
[ADARSH KUMAR GOEL]

New Delhi;
29th January, 2016.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (C) No.527/2011

TRAINED NURSES ASSOCIATION OF INDIA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

Date : 29/01/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s) Mr. Romy Chacko,Adv.

For Respondent(s) Mr. Tushar Mehta,ASG
UOI Mr. Ajay Sharma,Adv.
Ms. Sunita Sharma,Adv.
Mr. S.W.A. Qadri,Adv.
for Mr. D.S. Mahra,Adv.
Ms. Sushma Suri,Adv.

No.37 (Indian Mr. V.S.R. Krishna,Adv.
Nursing Council) Mr. T. Mahipal,Adv.

State of Assam Ms. Apeksha Sharan,Adv.
Mr. Riku Sharma,Adv.
Mr. Navneet Kumar,Adv.
For M/s. Corporate Law Group,Adv.

State of Bihar Mr. Rudreshwar Singh,Adv.
Mr. Samir Ali Khan,Adv.(Not present)

State of Haryana Mr. Atul Mangla,AAG
Mr. Sanjay Visen,Adv.
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 Neekhra,Adv.

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

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. Sibho Sankar Mishra, Adv.
State of Pb.	Mr. Ashok Agarwal, Adv. Gen. Mr. Saurabh Ajay Gupta, Adv. Mr. Nishant Bishnoi, Adv. For Mr. Kuldip 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., Adv.
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.

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)