

**IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY ORIGINAL JURISDICTION
WRIT PETITION [C] NO. 284 OF 2015**

IN THE MATTER OF

RIT Foundation

...Petitioner

Versus

Union of India

...Respondent

ADDITIONAL AFFIDAVIT ON BEHALF OF THE RESPONDENT

I, Shri Prakash S/o Late Shri Brahma Shankar, aged about 57 years, working as Joint Secretary in Ministry of Home Affairs do hereby solemnly affirm and state as follows-

1. That I am the Authorized Signatory of the Respondent / Union of India in the present case, am conversant with the facts of the case and I am competent to affirm this Affidavit.
2. The present Affidavit is in continuation of oral requests made on behalf of the Central Government at various stages of hearings in January, 2022 to defer the hearing on the following grounds-
3. The Government of India is committed to fully and meaningfully protect the liberty, dignity and rights of every woman who is the fundamental foundation and a pillar of a civilized society. At the same time, the question involved in the petition may not be treated merely as a question concerning

constitutional validity of a statutory provision as the subject matter has and will have very far reaching socio-legal implications in the country. The matter, therefore, needs a comprehensive approach rather than a strictly legal approach.

4. As already pointed out on earlier occasions, the provisions of Section 375 and the socio-legal implications of grant of prayer made needs an exercise of a meaningful consultative process with various stake holders on several aspects. The State Governments are not before this Hon'ble Court. No other stake holders are before this Hon'ble Court other than few affected parties and the Central Government.

5. Both the executive and the legislature are equally concerned and committed to the protection of fundamental rights of its citizens. However, it is the considered opinion of the Central Government that this Hon'ble Court can be assisted only after a consultative process is undertaken by the Central Government with all stake holders including all the State Governments.

6. As already requested on earlier occasions, the petition is filed in the year 2015. The provisions whose validity is challenged is in existence since inception. It was only because of one of the petitioners suddenly mentioning the matter for final hearing during the present pandemic that the hearing has commenced leaving no time for the Central Government to deliberate upon the issues and implications involved with all

stake holders as such an exercise, by its very nature, takes a reasonable time.

7. Any assistance of the Central Government can be meaningful and effective only after such consultative process with participation of all stake holders. Absence of any such consultative process by the executive / legislature, may result in some injustice to one section or the other.

8. In the most respectful submission of the Central Government, considering the social impact involved, the intimate family relations being the subject matter and this Hon'ble Court not having the privilege of having been fully familiarised with ground realities prevailing in different parts of Society of this large, populous and diverse country, taking a decision merely based upon the arguments of few lawyers may not serve the ends of justice.

9. The Central Government, therefore, once again reiterates its request to defer the hearing and also undertakes to provide a time-bound schedule within which the Central Government will carry out such consultative process on the issue and render effective assistance in the proceedings.

10. It is respectfully reiterated that if the matter which is pending since 2015 awaits such fruitful exercise for some time, no prejudice would be caused and it will be possible for the

Central Government to assist the Court meaningfully and would be possible for this Hon'ble Court to take holistic view rather than deciding such a sensitive issue as a mere legal question based upon the submission of few lawyers.

11. The Deponent, therefore, reiterates that the hearing be deferred providing for a stipulated time line within which the Central Government would conduct an effective consultative process after which it will be in a position to assist this Hon'ble Court.