



Court on Its Own Motion v. Union of India

W.P.(C) 5913/2010

Country: India

Region: Asia

Year: 2011

Court: High Court - Delhi

Health Topics: Health care and health services, Health information, Hospitals, Poverty, Sexual and reproductive health

Human Rights: Right to health, Right to life

Facts

The Delhi High Court made its own motion because of a newspaper report about a destitute woman who died on a busy street while giving birth to a baby girl. The girl had been struggling for life at a foster home named Udayan which was located in Delhi.

The Court had subsequently issued directions to the State government to provide five shelters to destitute, lactating, and pregnant woman that would provide treatment and information and had professionally trained staff and food and medical facilities available 24 hours a day. The directions also included the creation of a mobile medical unit for the shelters and required the involvement of civil society.

Decision and Reasoning

The Court noted that the Government had not fulfilled the Court's earlier directions. After reviewing the affidavits from the respondent and the Amicus Curiae of the government of NCT of Delhi, the Court noted that the current shelters were not funded by the State government, did not provide sufficient services and did not intend to expand their list of services in the future as it was beyond their functioning capacity when considering the large number of poor migrants from neighboring states every year. Therefore the medical facilities provided were inadequate.

The Court, unwilling to be a "silent spectator", ordered the state government to provide a review of state-funded shelters and reaffirmed its order to create at least two shelter homes.

Decision Excerpts

"Though we are inclined to direct that the said exercise be done, yet we just cannot become the silent spectators waiting for the Government to move like a tortoise and allow the destitute pregnant women and lactating women to die on the streets of Delhi, may be after giving birth to a child or may be along with the child. Such a situation cannot be countenanced and is not possible to visualize in the backdrop of Article 21 of the Constitution of India." (p. 3)