



Sandesh Bansal v. Union of India and others

Writ Petition No. 9061/2008

Country: India

Region: Asia

Year: 2012

Court: High Court - Madhya Pradesh

Health Topics: Child and adolescent health, Health care and health services, Health systems and financing, Hospitals, Medicines, Poverty, Sexual and reproductive health, Water, sanitation and hygiene

Human Rights: Right to life

Facts

The petitioner is a social activist that works on raising concern over the high maternal mortality in the Indian state of Madhya Pradesh. The petitioner alleged that the state's program to reduce the maternal mortality rate (MMR) had failed to be implemented effectively in Madhya Pradesh. The petitioner had filed this petition, alleging that about 75,000 to 150,000 women die every year in India after giving birth. The petitioner pointed to Madhya Pradesh's third highest MMR out of all Indian states of 498 deaths per 100,000 live births as evidence of the program's failure.

The petitioner contended that women are dying because of the high costs of health care and failure of public health system, lack of qualified medical staff in rural areas, lack of appropriate transport, inappropriate policies in institutional deliveries, and cultural and social reasons that limit pregnant women's access to effective health care.

The respondent admitted that the facilities in the Government hospital were not proper. However, the respondent contended that the State has taken effective steps to reducing the MMR. The respondent disagreed with the petitioner and noted that the MMR has reduced to 310 deaths per 100,000 live births.

Decision and Reasoning

The Court held that there was shortage of infrastructure and manpower that has resulted in the ineffective implementation of the program resulting in unnecessary deaths of mothers. The court held that the inability of a mother to survive pregnancy and child birth violated her right to life as guaranteed under Article 21 of the Constitution of India. The Court recommended a number of measures and required the government to implement in a strict and timely manner the implementation plan. The Court noted that it did not provide a time period for implementation as that was already included in the plan.

Decision Excerpts

It be remembered that the inability of women to survive pregnancy and child birth violates her fundamental right to live as guaranteed under Article 21 of the Constitution of India. And it is the primary duty of the government to ensure that every woman survives pregnancy and child birth, for that, the State of Madhya Pradesh is under obligation to secure their life.

