



Amit Ahuja v. Union of India

W.P.(C) 1507/2014 & CM APPL. 3144/2014

Country: India

Region: Asia

Year: 2014

Court: High Court of Delhi

Health Topics: Chronic and noncommunicable diseases, Health systems and financing, Hospitals, Medicines

Human Rights: Right to health

Facts

The petitioner was a patient suffering from haemophilia and was receiving treatment at a government hospital. However, after he did not respond to initial treatment, the doctors discharged him, stating that they could no longer afford to administer the advanced palliative treatment (Activated Recombinant Factor VIIa) to him. This treatment would have cost 1,40,000 rupees per day and would have been required for a period of 6 weeks.

The petitioner belonged to the "Below Poverty Line" category and could not afford this treatment. He thus approached the court claiming that he was entitled to financial assistance from the government. On the first day of the hearing itself, the government agreed to release 500,000 rupees to the petitioner under the "Delhi Arogya Nidhi Scheme". However, The petitioner claimed that he was entitled to free treatment under a special scheme aimed especially at haemophilia patients. This financial assistance had been denied to him.

Decision and Reasoning

The Court examined the relevant scheme and ascertained that the petitioner was entitled to financial assistance pursuant thereto. The scheme provided for free treatment to all persons belonging to the "Below Poverty Line" category. Claimants would have to provide documentary evidence for the same (BPL card, pay slip, income certificate from the Executive Magistrate, income tax statement etc). Since the petitioner satisfied these criteria, the Court directed the government to give the petitioner financial assistance under the relevant scheme.

Decision Excerpts