

Importance of this Case

Despite the appalling circumstances surrounding this case it resulted in a ground breaking order, issued by the Delhi High Court in March 2010. The Court ordered a maternal death audit be carried out with respect to the pregnancy-related death of Shanti Devi, a member of the Scheduled Caste community, setting both a national and international legal precedent by ensuring accountability for a maternal death.

This case highlights the lack of implementation and operational guidelines in accessing legal entitlements, with a particular emphasis on the discrimination faced by economic migrants and women from the Scheduled Caste community. It also reveals the tragic impact a maternal death has on a family unit. Since Shanti Devi's maternal death, not only have three children been left motherless, they are also now forced to live apart with various relatives across India, and her eleven year old son is forced to work owing to their poverty.

Petitioner

- ▶ Laxmi Mandal, brother of the victim Shanti Devi.

Respondents

- ▶ Deen Dayal Hari Nager Hospital, New Delhi; Sanjay Gandhi Hospital, New Delhi; Saroj Hospital, New Delhi; Govt. of National Capital Territory (NCT) of Delhi; Union of India; First Referral Unit Hospital, Faridabad; Badsha Khan General Hospital, Faridabad; Women and Child Development Department, Haryana.

Issues

- ▶ Egregious and persistent violations of Shanti Devi's reproductive rights, right to health, right to human dignity, and rights to equality and non-discrimination as protected under domestic and international law.
- ▶ Complete denial of access to reproductive health services, such as emergency obstetric care and family planning, and disregard for Shanti Devi's legal entitlements under various Government schemes.
- ▶ Lack of operational guidelines for the accessing of legal entitlements.

Facts

- ▶ In November 2008, 'Shanti Devi', a below the poverty line (BPL) member of a Scheduled Caste, who was carrying a dead foetus in her womb for five days at great risk to her physical health, was denied medical treatment (emergency obstetric care) from four different hospitals because she was unable to pay the fees being demanded.
- ▶ One of the hospitals involved was a private hospital which had received concessionary land on the proviso it kept 10-20% of its beds for the free treatment of BPL.
- ▶ Shanti was eventually admitted to a Government hospital where the foetus was removed and was immediately discharged thereafter, despite her condition remaining serious.
- ▶ With no access to family planning Shanti Devi fell pregnant again less than two years later.

