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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2983/2020 & CM APP Nos.10345-46/2020**

SAMA-RESOURCE GROUP FOR WOMEN AND HEALTH

..... Petitioner

Through: Ms.Vrinda Grover with
Ms. Ratna Appender, Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Rakesh Gogna, CGSC for R-1-3
Mr.Anupam Srivastava, Adv. for R-4/GNCTD
with Mr. Dhairya Gupta, Adv.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

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22.04.2020

1. The present matter has been taken up through Video Conferencing.
2. The present petition has been filed by an Organisation based in Delhi which is a public charitable Trust registered under the Indian Trust Act, 1872, that works on issues related to women's health and rights including reproductive health rights. The petitioner has approached this Court by way of the present public interest petition after submitting a representation dated 18.04.2020 to the respondent No.1/Ministry of Health & Family Welfare, Union of India and respondent No.4/Department of Health & Family Welfare, Govt. of NCT of Delhi, highlighting denial of healthcare, and more specifically, denial of delivery/child birth services to pregnant women in Delhi and the barriers faced by them and their families in the wake of the

COVID-19 pandemic and the lockdown declared by the Central and the State Government.

3. Ms. Grover, learned counsel for the petitioner draws the attention of this Court to an order dated 15.04.2020 issued by the respondent No.2/ Ministry of Home Affairs which refers to a consolidated revised Guidelines issued pursuant to the order dated 14.04.2020, passed by the Government relating to lockdown measures for containment of COVID-19 epidemic in the country which has been extended upto 03.05.2020. The said order clarifies that the consolidated revised Guidelines shall not apply to the containment zones as demarcated by State/UT/District administrations and if any new area is included in the category of containment zone, the activities allowed in that area till the time of its categorisation, shall be suspended except for activities that have been specifically permitted by the Ministry of Health & Family Welfare under the Guidelines.

4. Our attention is next drawn to the Guidelines for enabling delivery of essential health services during the COVID-19 outbreak enclosed as Annexure A-6 to the writ petition. Learned counsel submits that essential services mentioned in the Guidelines includes reproductive and neonatal healthcare services to the pregnant women, besides prevention and management of communicable deceases, treatment of chronic deceases to avoid complications and for addressing other emergencies. We may note that in the said Guidelines issued by the respondent No.1/Ministry of Health & Family Welfare, Part-2 deals with essential services and continuation thereof, amongst others, in relation to care during pregnancy and child birth.

5. Learned counsel submits that the Union of India has specifically directed all front line workers of Sub-Health Centres (SHC) and Health and

Wellness Centres (HWC), to maintain a list of persons to whom essential services have to be extended, for example, pregnant women, those who have recently delivered, infant children below the age of 5 years etc. She states that Auxiliary Nursing Mid-wives (ANM) and Asha workers must ensure that the pregnant ladies in the last trimester are contacted to ascertain their status. It is contended that despite extensive Guidelines laid down by the respondent No.1/UOI, services on ground are not readily available. It is in this background that the present petition has been filed so as to ensure that there is proper coordination between the concerned departments of the respondent Nos.1 and 3/Union of India and the respondent No. 4/Government of NCT of Delhi so that a Nodal Officer is appointed in every COVID-19 hotspot, whose contact number is made public and a dedicated helpline is set up for pregnant women seeking essential health services, which includes arranging transportation to and from the hospital, securing movement passes, etc.

6. Mr. Gogna, learned counsel for the respondent Nos.1 and 3/UOI states that he has filed a brief affidavit highlighting the guidance notes referred to hereinabove, copies whereof have been e-mailed to learned counsel for the petitioner and the respondent No.4/ Govt. of NCT of Delhi. He states that it is the Govt. of NCT of Delhi that has to implement the Guidelines.

7. When the matter was taken initially, Mr. Anupam Srivastava, learned counsel for the respondent No.4/GNCTD had sought some time to obtain clear instructions from the department. At his request, the video Conference proceedings were delinked and the matter has been taken up again for him to convey the instructions received. In the second round, he states that he has

obtained instructions from Dr. Bimlesh, in the Directorate of Family Welfare that Govt. of NCT of Delhi has no objection if the helpline proposed to be set up for senior citizens in terms of an order passed by this Court only this morning in W.P. (C) No. 2979/2020 entitled ***Ajit Kumar v. Union of India & Anr.***, is also made available for pregnant women to enable them to access medical facilities and to arrange transportation for them to visit hospitals for check-ups, delivery and post-delivery consultation, whenever required. He states that an Asha worker is assigned for every pregnant lady to assist her during the pregnancy and since ANMs are attached to the Health Centres in the GNCTD, wherever there is a need, the Asha worker contacts the ANMs directly for rendering necessary assistance to pregnant ladies.

8. At this stage, Ms. Grover interjects and submits that due to the COVID-19 pandemic, duties of most of the ANMs have been diverted to COVID related work and therefore, they are not readily available for assistance.

9. Mr. Srivastava, learned counsel for the respondent No.4/GNCTD responds by assuring this Court that sufficient number of Asha workers and ANMs, will be made available in their respective areas so that they can reach out to the pregnant ladies and particularly those who are in the high risk category for a follow up. Further, adequate assistance will be provided to pregnant women, particularly, in the last trimester. He states that this will include arranging transportation for the pregnant ladies to visit to the hospital predelivery, for delivery and post delivery. He adds that the Asha workers are working under the supervision of the Ministry of Health & Family Welfare, UOI and, therefore appropriate directions be issued to

respondent Nos.1 to 3 also, to extend all necessary cooperation and ensure that the orders passed in this matter are implemented in letter and spirit.

10. Mr. Gogna, learned counsel for the respondents No.1 to 3 assures the Court that necessary compliances shall be made and the coordination between the Asha workers and ANMs shall be seamless.

11. Ms. Grover, learned counsel for the petitioner states that she is satisfied by the response given by the UOI and GNCTD. This court also places on record its appreciation for the prompt instructions given by the GNCTD to its counsel on record for this Court to dispose of the matter right away.

12. Accordingly, the present petition is disposed of, along with the pending applications, with directions issued to the respondent/GNCTD to ensure that the helpline number which is proposed to be set up within two days, for assisting senior citizens in Delhi, shall also be made available for pregnant ladies. The helpline number shall be publicised adequately in the newspapers and the social media as also through the Delhi Police, wherever possible. UOI and GNCTD shall work in tandem to make sure that no barriers are faced by pregnant ladies and their family members residing in hot spots during the lockdown. The present petition accordingly disposed of.

HIMA KOHLI, J

SUBRAMONIUM PRASAD, J

APRIL 22, 2020

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