

To,

Date: 8th June, 2020

**The Hon'ble Chief Justice of India and
Companion Justices of the Supreme Court**

Dear Hon'ble Chief Justice of India and Justices of the Supreme Court,

This letter is intended to highlight and bring to the notice of the apex court, a case of grave infraction of the citizen's right to die with dignity, recognized by this Hon'ble Court on various occasions. Reference is invited *inter alia* to the decisions of the Hon'ble Supreme Court in; *Kharak Singh v State of U.P & Ors 1964 SCR (1) 332*, *Pt. Parmanand Katara v Union of India 1995 (3) SCC 248*, *Ashray Adhikar Abhiyan v Union of India (2002) 2 SCC 27* and the Constitution bench in *Common Cause v. Union of India (2018) 5 SCC 1*. Reference is also invited to recent judgments of the Madras High Court in a *Suo-Motu PIL* and Bombay High Court in *Pradeep Gandhy v. State of Maharashtra*, declaring a fundamental right to die with dignity embracing right to decent burial or cremation. These judgments constitute the law of the land and are binding on all authorities, as actualizing the promise of the Constitution.

The tragic and condemnable sight of a Covid-19 patient being chained to a bed in a hospital in Madhya Pradesh and another sight in Puducherry of a dead body being thrown in a pit for burial, has shocked the conscience of the Republic committed to human dignity under the Constitution, which recognizes dignity as a core constitutional value at the pinnacle in the hierarchy of non-negotiable constitutional rights.

I may also add that the notified protocols for cremation in the capital city, reported piling up of bodies in hospitals and mortuaries, non-availability of adequate cremation/ burial grounds and the reported non-functioning of electric crematoriums constitute distressing and an unacceptable violation of Right to Die with Dignity.

Since the Court has the duty and the power to ensure that the law declared by it is actually enforced, it is requested that the Court takes *suo-motu* notice of the matter. In view of the shocking infraction of the fundamental right to dignity, as is evidenced from the enclosed NDTV report (**Annexure 'A'**), Your Lordships are respectfully requested, to issue such orders, writs or other directions as will effectuate the citizens' right to die with dignity.

Respectfully,

Dr. Ashwani kumar
Senior Advocate, Supreme Court

ANNEXURE 'A'**Elderly Man Tied To Madhya Pradesh Hospital Bed Allegedly Over Non-Payment Of Bills**

Reported by [Anurag Dvary](#), Edited by [Arun Nair](#) (with inputs from ANI) Updated: June 07, 2020

Source: <https://www.ndtv.com/cities/elderly-man-tied-to-madhya-pradesh-hospital-bed-allegedly-over-non-payment-of-bills-2242083>



Bhopal: In a shocking incident of alleged medical indifference, an elderly man was tied to a hospital bed in Madhya Pradesh after he allegedly failed to make payment of fees for his treatment. The hospital, however, claimed that he was having convulsions and as a result had his hands and legs tied so that he could not hurt himself.

Chief Minister Shivraj Singh Chouhan has taken note of the matter and has promised to take strict action against the Shajapur-based hospital. The district hospital has also ordered a probe into the matter.

The man's family alleged that the hospital administration tied his legs and hands to bed after he failed to pay Rs 11,000. "We had deposited a bill of Rs 5,000 at the time of admission but when the treatment took a few more days, we did not have the money to pay the bill," said his daughter.

The hospital, however, maintained that he was tied because he was having convulsions because of electrolyte imbalance. "He was having convulsions because of electrolyte imbalance. We tied him so that he could not hurt himself," said a doctor at the hospital. The doctor also added that the hospital had waived off their bill on humanitarian grounds.

"A treatment meted to a senior citizen in a hospital in Shajapur has come to notice. The culprits will not be spared, strict action will be taken," the Chief Minister tweeted. Former Chief Minister and senior Congress leader Kamal Nath tweeted to say that the incident "inhuman and barbaric" in nature. "Such inhuman, barbaric treatment of an elderly person in a hospital in Shajapur. The father was held hostage by the arms and legs with ropes for not paying the hospital bill," he tweeted, sharing the video tied to the hospital bed.

The Shajapur district administration has ordered an inquiry into the matter. "We have sent a team of Sub-Divisional Magistrate (SDM) and a doctor, to the hospital to investigate the matter. This should not have happened and we will ensure that appropriate action is taken against the hospital," District Collector Dinesh Jain told news agency ANI.

Puducherry Health Workers Throw Body Of Coronavirus Patient, Probe Ordered

All India Written by **J Sam Daniel Stalin** Updated: June 07, 2020 01:46 pm IST

Source: <https://www.ndtv.com/india-news/covid-19-puducherry-health-workers-throw-body-of-coronavirus-patient-probe-ordered-2242035>



Chennai: A video of government workers in Puducherry hurriedly throwing the body of a COVID-19 positive man into a pit has caused massive outrage, prompting the administration to order a probe into the incident. The video shows four men in PPEs moving the lifeless body from an ambulance and literally dumping it into the grave. Less than 30 seconds later one of the men is heard telling a government official that they have "thrown the body" for which the official shows thumbs up in approval.

It also appears that the front line workers ignored a series of COVID protocol while handling the body. The video shows the dead person was merely wrapped with a white cloth and not in a bag as mandated in such cases. The cloth wrapped around the body also opened up as it was dropped exposing the workers to tremendous risk of infection. It is not clear yet if the body was duly embalmed.

Sources in Puducherry told NDTV that the body was of a Chennai resident who had tested positive during his visit. The undignified handling of the COVID patient has led to massive outrage in Puducherry.

"Dignified disposal of dead body is a matter of right. Such an insult to a dead person is an offence under section 500 of Indian Penal Code. The health workers along with those supervisory staff are punishable with penalty for defamation of deceased person," India Against Corruption said in statement.

Its President, Dr S Anandkumar, called it "Unprofessional disaster management in Puducherry". Sources in the health department say, the body was handed over to Revenue officials for burial.

Puducherry Collector Arun has ordered a probe. "I've issued a memo to the concerned department. It's very unfortunate. I am enquiring into the issue. Have properly briefed them," he told NDTV.

Lieutenant Governor Kiran Bedi said show cause notices are being served to the individuals involved.

Not long ago in neighbouring Chennai, the body of a doctor who died after contracting coronavirus was not allowed to be buried. Mob attacked the health workers in the ambulance carrying the body of Dr Simon Hercules forcing his

friend to drive the ambulance and bury the doctor himself. The incident later forced the Tamil Nadu government to bring an **ordinance which allowed jail term of upto three years** for anyone blocking or attempting to block funerals of coronavirus victims.