

DEVIKA BISWAS V. UNION

W.R. No.(s) 95/2012

2nd April 2012 | Reproductive Rights Unit | Supreme Court | Forced sterilization of females in Bihar

On 2nd April 2012, on behalf of petitioner Devika Biswas, filed this petition in the High Court in response to the sterilization camp massacre in Bihar. Forced sterilization of 53 women took place, wherein the operations were conducted within a span of merely 2 hours, thereby violating innumerable human rights. With the support of precedents and reports regarding similar scenarios in different states submitted by HRLN, it succeeded in getting the petition accepted in Supreme Court. The court has ordered the Secretary, Health Ministry to ensure measures for effective implementation of schemes regarding sterilization and directions as per the *Ramakant Rai v. Union of India* case.

In 2012, negligent operations were conducted by doctors and NGO staff, thereby violating basic human rights and injuries were sustained by these women. Emphasis was placed on the government's sterilizing women as a means of family planning.

Over 3 years later, several have died, surgeries failed without access to medical facilities, informed consent or equality. On 11th January 2014, the govt. blamed the drug companies in Bihar for the health condition of the women, denying responsibility through operations, claiming that the poor quality of drugs being made available to them have rat poison. However, evidence has falsified their claims.

On 19th March 2015, surveys were conducted on the women who underwent these operations. Findings were that to file claims for compensation, several documents were required, thereby making it a tedious process for these impoverished women. The victims were not given information about the operation, nor was their consent obtained, apart from the absence of any compensation or incentive. Their post-op conditions were not paid attention to,

and were left in dismal conditions after sterilization. Reports from several states indicated that such plight of women was not only restricted to Bihar. Madhya Pradesh women have no access to contraceptives, and it is not made clear to them that such an option exists. Therefore they are made to believe that sterilization is the only option. In Chhattisgarh, Fifteen women died after undergoing female sterilization in a “camp” that indisputably violated myriad guidelines under the Ministry of Health and Family Welfare’s Standard Operating Procedures. In two camps, doctors used just two laparoscopes to operate on more than 30 women.

The petition sought monetary compensation, directions for safety of patients, guidelines for terms of operations etc. The Honorable Supreme Court has accepted the direction sought by the petitioner. The *Ramakant Rai* case acts as a precedent which had decided on introducing a system to limit procedures to approved doctors with specified experience, circulating uniform pattern of consent form and making breach of national guidelines a punitive offence. As an interim order, the court for measures for effective implementation of schemes regarding sterilization and directions as per the *Ramakant Rai* case, along with filing of an affidavit before court before the next proceeding, including status report of Chhattisgarh. The Matter will be listed on 10th July 2015.

Contact Person: Sanjai Sharma Activist

Sanjai.sharma@hrln.org