6th March 2017

To
Dr. Raman Singh
Chief Minister
Government of Chhattisgarh
Raipur

Ref: The Sterilization Camp deaths in Bilaspur district, Chhattisgarh, November 2014

Sir,

We, the 138 undersigned individuals and organizations working across the country on health and women’s rights are shocked and dismayed that the case against surgeon Dr. R. K. Gupta has been dismissed by the Hon’ble High Court on grounds that "the alleged act committed by the petitioner was while acting in discharge of his official duty and admittedly no previous sanction was obtained before initiating prosecution case against him".

The Anita Jha Judicial Enquiry Commission report has clearly pointed out that "It is evident from the facts that in the camps organized on 8.11.2014 and 10.11.2014 there was a breach in the important necessities hence the standard operating procedure were not followed. As a result of which the symptoms of infections were found in post operative female beneficiaries". It further states that "On the background of deliberation of investigation point number 1 to 3, investigation committee has found following persons Guilty/responsible, functionary, during 08 and 10 November, 2014:- 4.1 For not following standard procedures and for medical negligence by immediate functionary Block Medical Officer, Takhatpur.................and surgeon who conducted surgery in tubectomy camp at Sakri and Gaurella (Surgeries were completed by the same surgeon in the both camps)".

It is a pity that the case has been dismissed by the Hon. High Court purely on technical grounds, thereby denying justice to the bereaved families of those 13 young women who died in Bilaspur district, the many more women who suffered serious illness in hospitals and the many small children deprived of their mothers’ care.

However, the Hon’ble Court in its judgement has stated that "the respondents State shall be free to take previous sanction of the State Govt. in this regard if it still desires to prosecute the petitioner and in the event of obtaining sanction, they would be at liberty to further prosecute the petitioner. It is made clear that this Court has not given any opinion on the merits of the case as the prosecution case was not sustainable on the preliminary objection itself and the merits of the case is still left open to be considered and adjudicated upon at a subsequent appropriate stage if the situation so arises...".

We therefore urge that your government put the wheels of justice back on track, and immediately give permission for prosecution of surgeon Dr. R. K. Gupta, to ensure that this case becomes a deterrent example for anyone who tries to subvert the Sterilization Guidelines. Since the judgment has given Chhattisgarh state the liberty, after according sanction, to prosecute Dr. R. K. Gupta, not doing so would amount to shielding him deliberately.
We are also very disappointed to note that the Chhattisgarh government has greatly reduced provision of sterilization services as a public health service in government facilities, forcing poor women to take recourse to the private sector at extremely high cost and a lot of inconvenience.

We would urge you to reconsider this decision and make these services available in the public hospitals both for men and women, while ensuring high quality and informed choice for those who opt for this contraceptive method.

We look forward to your active cooperation and support on these two issues.

Thank you.

List of signatories:

1. Action India, New Delhi
2. All India Democratic Women's Association (AIDWA)
3. CommonHealth, India
4. Ellora Vigyan Mancha, Guwahati
5. Healthwatch Forum UP
6. Jan Swasthya Abhiyan (People's Health Movement India)
7. Karnataka Janaarogya Chaluvali, Karnataka
8. MASUM Pune
9. Madhya Pradesh Maternal Health Rights Campaign
10. National Alliance for Maternal Health and Human Rights, India
11. Right To Food Campaign, India
12. SAHAYOG Lucknow UP
13. SAHELI for Women, New Delhi
14. Women Against Sexual Violence & State Repression (WSS)
15. Abha Bhaiya JAGORI Rural, HP
16. Dr. Abhy Shukla, formerly of SATHI, Pune
17. Afaf Ullah, Awadh Peoples Forum, Faizabad UP
18. Ajay Mishra, Krishna Vikas Evam Prakriti Prabandhan Sanstha, MP
19. Amar Jesani, Editor, Indian Journal of Medical Ethics
20. Amita Pitre (Fulbright-Nehru Visiting Scholar, Emory University, Atlanta) Research Scholar, Tata Institute of Social Sciences, Mumbai
21. Anant Phadke, AIDAN
22. Anubha Rastogi, Human Rights Lawyer and Member, NAMHHR, Mumbai
23. Anuradha Kapoor, SWAYAM Kolkata
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25. Dr. K. R. Antony, Former Director, State Health Resource Centre, Chhattisgarh
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27. Arundhati Dhuru, NAPM
28. Ashok Sahkya, Youth Club, Datiya
29. Asim Sircar, Gyan Vigyan Samiti
30. Avnish Kumar Mishra, Avadh Kishor Shiksha Samiti, MP
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37. Chhaya Datar (retd Prof.) TISS
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45. Denny John, Associate Editor, International Journal of Technology Assessment in Health Care (IJTAHC)
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49. Gabriele Dietrich, Pennurimal iyakkam, Tamil Nadu
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60. Dr. J. R. Narayan, Patrakar Nagrik Manch, Rewa, MP
61. Kalyani Menon Sen, Feminist Learning Partnerships, Gurgaon
62. Kajal Jain, MASUM Pune
63. Kamlesh, BGVS Uttarankhand
64. Kedar Rajak, Sanjivani Vikas Samiti, MP
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69. Madhuri Lata Singh, Mandakini Manav Kalyan Gram Vikas Evam Takniki Sansthan, MP
70. Manju Singh, Amrita Seva Sansthan, MP
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78. Naya Dhavan, Delhi
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82. Pallavi Gupta, Public Health Professional, New Delhi
83. Paromita Vohra, Filmmaker and writer
84. Prasanna Saligram SOCHARA Bangalore
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86. Puneet Narayan Shukla, Ananya Bahuuddeshi Vikas Samiti, MP
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89. Radha Holla Bhar, Delhi
90. Rajdev Chaturvedi Grameen Punamirman Sansthan Azamgarh
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104. Sarojini NB, People’s Health Movement, New Delhi
105. Samir Dass, Jharkhand Science Forum, Ranchi
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118. Shradha Singh, Nari Chetna Manch, Rewa
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136. Veena Shatrugna, former Dy. Director National Institute of Nutrition Hyderabad
137. Vinay Kulkarni, Prayas (Health Group), Pune.
138. Vinaya Deshpande, Resident Editor, The Sunday Guardian, Mumbai