



**Jan Swasthya Abhiyan, Delhi**

**Health for All - Now!**

**Health is a Basic Human Right!**

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To,

Mr. Arvind Kejriwal,

Chief Minister

Government of National Capital Territory, Delhi

3rd level, Delhi Secretariat, I.P. Estate,

New Delhi-110002

Subject: Open doors of Delhi Hospitals for every Indian!

Dear Mr. Kejriwal,

This is in reference to your call for suggestions regarding disallowing people from other states to avail medical facilities in Delhi. Borders of Delhi have been sealed for common citizens to stop receiving patients from the other states. We strongly oppose any such move by the Delhi Government. Delhi has set an example by focusing on basic services such as health and education and increasing expenditure on public provisioning of these services. Denying healthcare to some on the basis of domicile requirements would be a regressive step. As you recently spoke in the Press Conference that Delhi belongs to every citizen of India, we urge you to honour your words and keep it open to all citizens. These are difficult times for all and Delhi should stand in solidarity with each and every citizen of the country.

The decision of denying treatment to non-Delhi residents is bound to create many practical problems, especially for the marginalised sections of the society. When hospitals start to ask for proof, the burden will lie on the patients to prove that they stay in Delhi. It will exclude the vulnerable population such as the migrant labourers, thus excluding them from treatment. Considering that the very reason migrant labour is getting infected with Covid-19 is because they are staying in Delhi, denying them healthcare is utterly unethical.

In the past, Indian courts have ruled against discrimination in providing healthcare on the basis of domicile of a citizen. In its 2018 judgement in *Social Jurist v Government of NCT of Delhi*, the Delhi High Court stated that discriminating against non-Delhi residents is a violation of Article 14 which guarantees equality before law. The Delhi Government's Guru Teg Bahadur Hospital had issued an order which reserved a number of diagnostic facilities and indoor beds for Delhi's residents. The reason was same as given by the Delhi Government today – decongestion of the hospital and reserving medical facilities for the Delhi-residents due to lack of infrastructure. The High Court quashed the order and directed the government to provide facilities of medical treatment to all citizens.

Similarly, in the matter of *Kausal Kishore Tripathi v Lal Ram Sarup TB Hospital WP (C) 11879/2016* the respondent hospital admitted before the court that domicile or residence of the patient would not be a criterion for restricted treatment for the severe Multi Drug Resistance



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Tuberculosis (MDR-TB). In this case a patient from Bihar seeking access to a particular drug for treating MDR-TB from a hospital in Delhi had challenged the denial of the medication to her by the hospital on the ground of being discriminatory against persons who were not a domicile of Delhi.

Moreover, if government hospitals shut their doors to people, they will be forced to go to private hospitals which, we all know, are charging exorbitant amount for even basic care. The loot in the name of personal protective equipment (PPE) has been reported widely. As the poor and the marginalised will not be able to afford such amounts, they will go untreated. Not only will they suffer unduly, it will also lead to spread of infection of Covid-19 in the city.

Delhi is home to many Central Government hospitals such as the All India Institute of Medical Sciences (AIIMS), Safdarjung Hospital and Ram Manohar Lohia Hospital. Funds for them come from the coffers of the Union government and all citizens of India have equal right over care provided by these premier institutes of the country. Providing medical facilities to each and every citizen is a constitutional responsibility of all governments. If the State Government is facing financial crunch or lack of infrastructure, then it should approach the Union Government to fill the gap.

We urge the Delhi Government to work within the provisions of the Constitution of India and not seal its borders to the needy patients from other states. In these times of crisis and disarray, the most important need is to stand by each other and uphold the principles of Health for All.

Yours Sincerely,

### **Signatories:**

1. Amitava Guha, Jan Swasthya Abhiyan
2. Anil T Varghese, Delhi Solidarity Group
3. Ankit Gupta
4. Anuradha Banerji, Saheli Women's Resource Centre
5. Dalit Advasi Shakti Adhikar Manch
6. Delhi Rozi Roti Adhikar Abhiyan
7. Dr, Sonali Vaid
8. Dr, Srinivas Rajkumar T, MD
9. Dr. Neha Farouqi
10. Inayat Singh Kakkar, Lawyer
11. Jan Swasthya Abhiyan, Delhi
12. John Dayal
13. Kunwar Rajeev Singh
14. Lawyers for Detainees
15. Lok Manch National Facilitation Centre, New Delhi
16. Mira Shiva, Jan Swasthya Abhiyan
17. National Alliance for Maternal Health and Human Rights
18. National Alliance for People's Movement, Delhi
19. National Coalition for Inclusive and Sustainable Urbanisation



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20. National Domestic Workers' Union
  21. National Federation of Indian Women
  22. Persis Ginwalla
  23. Poonam Kaushik, Pragatisheel Mahila Sangathan, Delhi
  24. Satark Nagarik Sangathan
  25. Shambhu Ghatak, Inclusive Media for Change Project
  26. Tanvi, Advocate
  27. Vandana Prasad, Jan Swasthya Abhiyan
  28. Y.K. Sandhya, SAHAYOG