

To,

Date: 28th November, 2020

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

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

This representation is preferred for your kind consideration pursuant to the mandate of Art 32 for the preservation of the citizens' fundamental right to Dignity under Art 21 of the Constitution. This letter pursuant to this Court's epistolary jurisdiction is not adversarial to anyone but preferred in public interest to sub-serve a humanitarian and constitutional objective.

It is occasioned by the heart wrenching visuals aired on various TV channels on 27th November showing a dog nibbling away at the remains of a dead girl dumped on a stretcher in a corridor inside a hospital (**Annexure 1**). The visuals represent the ultimate in callousness and insensitivity for the dignity of the dead, repeatedly affirmed by this Court as a non negotiable right at the pinnacle in the hierarchy of fundamental rights. 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.

This court has also repeatedly recognized its responsibility for the enforcement of its decisions, particularly those concerning the fundamental rights of its citizens. Reference is invited to *Baradakanta Misra 1975 SCR (1) 524* and *Romila Thapar (2018) 10 SCC 802*.

On an earlier occasion, this Hon'ble Court had taken cognizance when the dumping of COVID-19 related dead bodies in a ditch was brought to its notice. It is apparent however that despite the several rulings of the Court reiterating the right to dignity in death, there are continuing heart rending aberrations in this regard.

It is most unfortunate that in these extraordinary times when the corona situation has overwhelmed the nation, and deaths are mounting, little attention is being paid to putting in place the requisite protocols for preserving the dignity of the dead as a foremost obligation of a State committed to the values of a dignitarian Constitution.

At a time when daily mounting deaths in hospitals is a painful reality as is the piling up of dead bodies in mortuaries, the need for an enforceable and strictly observed protocol for dealing with dead bodies consistent with the dignity of the dead is an absolute imperative.

The nation looks to the apex court as the republic's moral and constitutional arbiter to exercise its moral authority and a wide constitutional remit to ensure that at least in death, citizens' right to dignity is respected.

A uniform protocol to deal with dead bodies in the hospitals and mortuaries throughout the country needs to be put in place at the earliest in the present emergent and extraordinary situation. Let it not be said that a dignitarian democracy failed to live upto its most important obligation.

It is respectfully prayed that this Hon'ble Court take suo moto notice at the earliest of the heart rending visuals on TV and issue suitable binding guidelines, directions, writ, orders as deemed fit to ensure that throughout the country necessary protocols are established to deal with dead bodies, particularly in hospitals and mortuaries consistent with the dignity of the dead.

Respectfully,

Dr. Ashwani kumar

Senior Advocate, Supreme Court

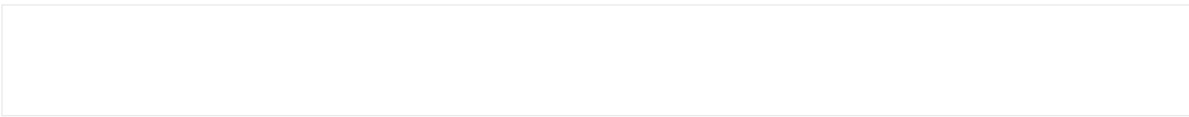
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Shocking Video Shows Stray Dog Nibbling At Girl's Body In UP Hospital

A 20-second video shared widely on social media shows a dog nibbling at what appears to be a dead body covered by a white cloth lying on a stretcher in an isolated area in the hospital.

All India | Written by Alok Pandey, Edited by Stela Dey | Updated: November 27, 2020 2:07 pm IST



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In terrifying visuals, a dog nibbles at the body of a girl's dead body in an UP hospital

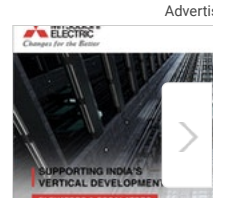


Sambhal: A video of a stray dog nibbling at the dead body of a girl inside an Uttar Pradesh government hospital in the state's Sambhal district has caused widespread outrage.

The disturbing incident took place on Thursday after the girl was brought to the hospital following a road accident; it's not clear whether she died before reaching the hospital.

A 20-second video shared widely on social media shows a dog nibbling at what appears to be a dead body covered by a white cloth lying on a stretcher in an isolated area in the hospital.

The family of the victim has blamed the hospital for negligence. The hospital



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Sambhal: Shocking Video Shows Stray Dog Nibbling At Girl's Body In UP Hospital
 The family of the victim has blamed the hospital for negligence. The hospital administration has acknowledged the stray dog problem.

"It was left unattended for 1.5 hours. It's negligence of the hospital," Charan Singh, the father of the girl was quoted saying by news agency ANI.

The hospital administration told ANI there was indeed a stray dog menace inside the hospital and that they had written to local civic authorities, but no action was taken. **However, in this case, the Chief Medical Superintendent of the hospital claimed they were not to blame.**



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"The body was handed over to the family after formalities. They didn't want an autopsy and were taking it away. They might have left the body unattended for a minute when the incident happened," Dr Sushil Verma was quoted as saying by ANI.

The Samajwadi Party, who also shared the horrifying video on Twitter, called for strict action against those responsible.

संभल में स्वास्थ्य सेवाओं की रोंगटे खड़े कर देने वाली खौफनाक तस्वीर आई सामने। जिला अस्पताल में स्वास्थ्य कर्मियों की लापरवाही की वजह से स्ट्रेचर पर रखे बच्ची के शव को कुत्तों ने नोच कर खाया। जांच करा लापरवाही बरतने वालों के खिलाफ हो सख्त कार्रवाई। शोकाकुल परिवार के प्रति संवेदना!
pic.twitter.com/3tgEHCTQpb

— Samajwadi Party (@samajwadiparty) [November 26, 2020](#)

Terming the incident "very serious", Dr Sushil Verma said a wardboy and a sweeper had been suspended, and an explanation has been sought from the doctor on emergency duty and a pharmacist.

"After investigation we found out the sweeper and ward boy were responsible. They too had had a lot of bodies to deal with. However, we have suspended them. And we have sought an explanation from the doctor that was on emergency duty along with the pharmacist. We have also formed a committee to investigate the matter and further action will be taken based on that," Dr Verma added.

This comes a day after a family in the state's Aligarh's alleged that their newborn died due to a hospital's negligence, adding that her body had [animal bite marks](#) on it.

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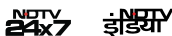
dog nibbles body

Dog at UP hospital

UP hospital dead body

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