

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No.19231/2026
CNR: RJHC010807052026 | URN: CW / 32810U / 2026

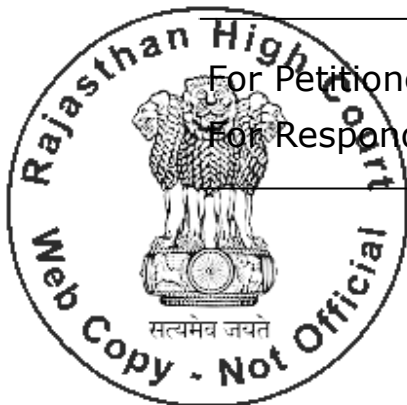
Rajasthan High Court Advocates Association

-----Petitioner

Versus

State Of Rajasthan & Others

-----Respondents



For Petitioner(s)	:	Mr. Nishant Bora
For Respondent(s)	:	Mr. N.S. Rajpurohit, AAG

JUSTICE ANOOP KUMAR DHAND

Order

13/08/2026

Reportable

Right to health and access to basic medical facilities is a fundamental right guaranteed under Article 21 of the Constitution of India, which protects the life and personal liberty of every citizen. Safeguarding the health of all citizens is an absolute constitutional obligation of the State. The State machinery is duty bound to extend immediate medical facilities to its citizens in discharge of its administrative and legal functions.

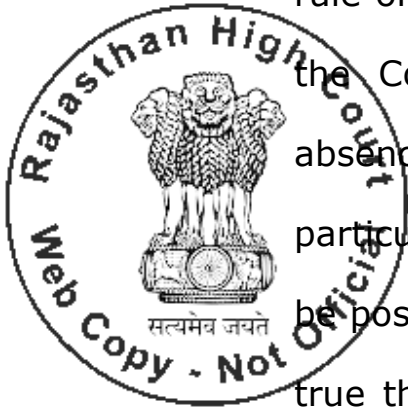
1. A sound infrastructure is the linchpin of a strong and stable judicial system. The responsibility for securing justice to the citizenry of our country rests upon the judiciary which makes it imperative upon the State to provide the judicial wing the requisite infrastructure commensurate with the constitutional obligation of the judiciary. It needs to be understood that without a robust infrastructure, the judiciary would not be able to function at its optimum level and, in turn, would fail to deliver the desired

results. While emphasizing the importance of judicial infrastructure, the Hon'ble Apex Court in **All India Judges Association and others v. Union of India and others** reported in **2010 (14) SCC 705** has observed:-

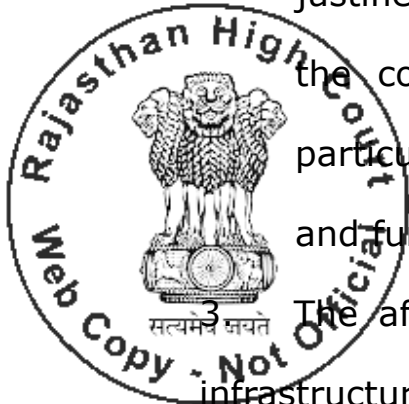
"Justice Delivery System is the bedrock of the rule of law, which is held to be the basic structure of the Constitution and it is our view that, in the absence of adequate judicial infrastructure, particularly for the subordinate Courts, it would not be possible to sustain rule of law in this Country. It is true that Courts do not generally issue directions in financial matters, however, we are of the view that Court fees, costs and fines constitute what is called "Measure" of what is spent on judicial infrastructure. This would be in consonance of doctrine of Reasonableness under the Constitution. Rule of Law assures the citizen of an effective civil and criminal justice system and judicial infrastructure is the cornerstone of justice delivery system without which Rule of law in this Court would fail."

2. In **Brij Mohan Lal v. Union of India and others** reported in **2012 (6) SCC 58**, the Hon'ble Supreme Court, while highlighting the infrastructural needs, has said:

"Article 21 of the Constitution of India takes in its sweep the right to expeditious and fair trial. Even Article 39A of the Constitution recognizes the right of citizens to equal justice and free legal aid. To put it simply, it is the constitutional duty of the



Government to provide the citizens of the country with such judicial infrastructure and means of access to Justice so that every person is able to receive an expeditious, inexpensive and fair trial. The plea of financial limitations or constraints can hardly be justified as a valid excuse to avoid performance of the constitutional duty of the Government, more particularly, when such rights are accepted as basic and fundamental to the human rights of citizens."



The aforesaid two verdicts, as is noticeable, lay stress on infrastructure in the context of Rule of Law, effective civil and criminal justice system and the constitutional duty of the Government to provide the same and the principle of access to justice that does not accept the excuse of the Government as regards financial limitation.

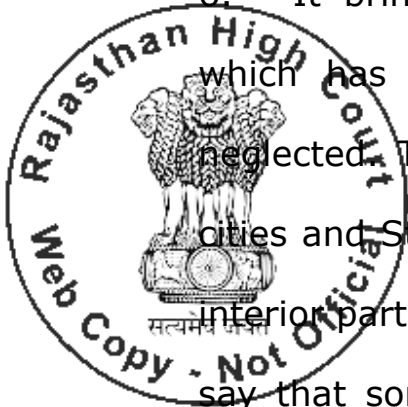
4. It has to be firmly borne in mind and accepted as a reality that raising the infrastructure standards in the court complexes is the need of the hour as it is the basic requirement for the courts in the twenty first century. It is absolutely clear that when people are aware of their rights, their desire to get the rights realised is enhanced and they would like to knock at the doors of the Court to shape their aspiration into reality. It is a welcome phenomenon and conceptually, Rule of Law nourishes and garners the said idea. The consumers of justice expect prompt and effective delivery of justice in an atmosphere that is acceptable. Therefore, infrastructure enhancement will go a long way in strengthening functioning of the court and would improve the productivity in the justice delivery system.

5. Be it noted, a court complex is not just a building. It is the building of justice which breathes and infuses life into the exalted and sublime ideals of justice. The widening gap between the ideal and the real and between the vision and the pragmatic realization of justice has to be bridged by proper access to justice for all.

6. It brings us to the focal point, i.e., judicial infrastructure which has been given relatively low importance, if not long neglected. That needs an overhaul. Apart from the metropolitan cities and State capitals, infrastructure in Courts, especially in the interior parts of the country, is dying out. It would not be wrong to say that some of them are just on the ventilator. A decrepit or crumbling court infrastructure inevitably results in causing impediment in access to justice. Undeniably, access to justice and rule of law is intrinsically linked. No democracy can afford to undermine the core values of rule of law. Thus, strengthening of court infrastructure requires immediate attention in the form of planning, enhanced budgeting and structured implementation or execution of the plans.

7. In view of the above, it is extremely necessary to declare that it is essential to provide basic infrastructural facilities, amenities, utilities and access oriented features in Court complexes.

8. Learned counsel for the petitioner-association i.e. Rajasthan High Court Advocate's Association, Jodhpur submits that prior to shifting of the Rajasthan High Court in the new premises on 07.12.2019, when it was running in the old building complex, where the Sessions Courts and other subordinate Courts are now situated, there was a health center running in the form of Janta



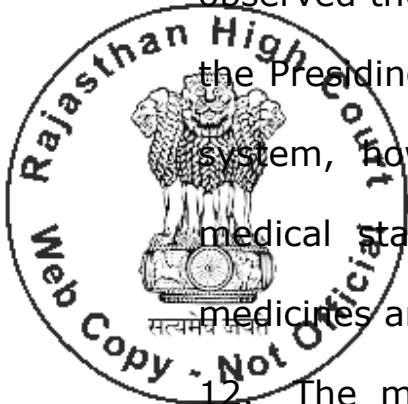
Clinic and the same was having adequate medical facilities for the Advocates, Presiding Officers posted in Courts, litigants and general public. However, after shifting of the High Court in the new premises, no proper medical staff is deployed in the Janta Clinic/Govt. Dispensary situated in the premises of Sessions Court Complex. Learned counsel submits that as per the sanctioned cadre strength, in all nine medic/para-medic staff are required to be posted which includes one Medical Officer, two Grade-II Nursing Staff, one Family Health Worker, one Pharmacist, one Lab Technician, two Ward Boys, one sweeper along with a person (man with machine). Out of the above sanctioned cadre strength of nine staff, at present only one Family Health Worker and fourth class employee has been deployed. He submits that in absence of the Medical Officer/Doctor, Nursing Staff, Pharmacist, Lab Technician and Ward Boy, the practicing Lawyers so also the litigants coming from outside along-with the Presiding Officers posted in different Courts are facing lot many practical difficulties, as not a single staff member has been deployed in the above Dispensary in order to cater any medical emergency.

9. Several communications have been made by the District & Sessions Judge, Jodhpur Metropolitan, Jodhpur to the Secretary, Department of Medical & Health, Government of Rajasthan, Jaipur for providing adequate medical facilities and for deployment medical staff as well in the Sessions Court complex.

10. One lawyer-Jeewan Ram Choudhary passed away in the Sessions Court complex on account of sudden heart attack due to lack of medical staff and primary treatment facilities like CPR, etc.



11. It is significant to mention here that nearabout 60 courts are situated in the Sessions Court complex where more than 600 court staff members are also posted. Furthermore, around 1500-2000 lawyers and roughly more than 3000 litigants along with their family members are regularly attending these Courts to observed the Court proceedings. Lawyers, litigants, court staff and the Presiding Officers from the four essential pillars of the judicial system, however, there is a lack of medical facility including medical staff, adequate infrastructure so also other necessary medicines and ambulance in the Sessions Court complex.



12. The medical facility within the Sessions Court complex is required to have adequate infrastructure and logistics should also clearly be in place in order to provide standard first line of medical care to those who may fall sick / ill in the said Court complex. Such standard first line of medical care shall include not only availability of adequate wheel chairs / stretchers, but should also include a fully stocked medical dispensary equipped, inter alia, with essential life saving medication and oxygen. Basic diagnostic tools such as blood-sugar, blood pressure, E.C.G. monitors, etc., should be readily available. At least one ambulance should be equipped with intensive care facility so that a critically ill patient can be transported safely to the nearest hospital with minimum risk to the patient. An emergency contact number shall be provided – either by the Office of the District & Sessions Judge or by the Health Department of the State of Rajasthan– by means of which any person can access the Medical Unit situated in the Court premises. This contact number shall be made known to all by

means of public display, especially at conspicuous places within the Court premises.

13. In the case of **Pradyuman Bisht Vs. Union of India & Ors.**, while deciding Writ Petition (Crl.) No.99/2015 vide order dated 11.08.2023, the Hon'ble Apex Court has directed the High Courts and the State Governments to ensure that essential emergency measures including functional medical facilities, ambulances and first aid response systems are immediately available and properly maintained within court complexes for the well-being of the four pillars of the judicial system, as observed above.



14. The above narrated situation is alarming. The respondent-State being welfare State is duty bound to provide basic medical facilities to the Lawyers, Presiding Officers, litigants and the general public visiting the Sessions Court Complex on a day-to-day basis.

15. Heard. The matter requires consideration.

16. Issue notice to the respondents, returnable within a period of four weeks.

17. Let notices be given "dasti" to the counsel for the petitioner.

18. Additionally, a copy of the petition be supplied in the office of Mr. N.S. Rajpurohit, AAG.

19. As an interim measure, the Principal Secretary, Department of Medical & Health; and the Director, Department of Medical & Health are directed to deploy one Medical Officer, two Grade-II Nursing Staff, one Pharmacist, one Lab Technician, two Ward Boys and one sweeper with immediate effect without any further delay.

20. In addition to the above, the Principal Secretary, Department of Medical & Health; and the Director, Department of Medical & Health are directed to detail one Ambulance to cater to any medical emergency, if so arises to the lawyers, litigants, general public, Staff members and the Presiding Officers posted at the Sessions Court Complex.

21. The District and Sessions Judge, Jodhpur Metropolitan, Jodhpur shall ensure that a regular monitoring system is evolved so that the existing and prospective medical facility does not fall short of the basic requirements necessary for providing the standard first line of medical care, as detailed above. In the event, any inadequacy is noticed, the District and Sessions Judge or any concerned party shall bring the same immediately to the notice of the Joint Director, Medical and Health Services, Rajasthan, Zone Jodhpur, so that remedial and corrective measures are taken without any delay.

22. Further orders would be passed after service of notice.

23. Let a copy of this order be sent to the Principal Secretary & Director, Department of Medical & Health, Jaipur; Joint Director, Medical and Health Services, Rajasthan, Zone Jodhpur; and District and Sessions Judge, Jodhpur Metropolitan, Jodhpur for intimation and necessary compliance.

(ANOOP KUMAR DHAND),J