



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 5127/2021

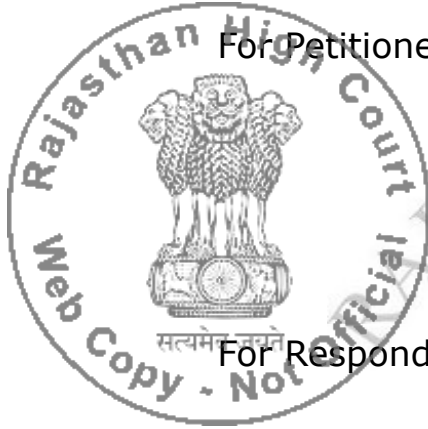
Rajasthan High Court Bar Association

----Petitioner

Versus

State Of Rajasthan

----Respondent



For Petitioner(s) : Mr. R.N. Mathur, Sr. Advocate assisted
by Mr. Himanshu Jain through VC
Mr. Bhunesh Sharma]
Mr. S.S. Hora]
Mr. Rajesh Kumar Sharma]
Dr. Sachin Acharya]through VC
Mr. K.S. Sisodi]

For Respondent(s) : Mr. M.S. Singhvi, AG assisted by
Mr. Darsh Pareek through VC
Mr. R.D. Rastogi, ASG assisted by
Mr. Anand Sharma and Mr. C.S. Sinha
for Union of India through VC
Dr. Abhishek Manu Singhvi, Senior
Advocate assisted by Mr. Amit
Bhandari through VC

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SATISH KUMAR SHARMA**

Order

17/05/2021

Mr. Abhishek Manu Singhvi, learned Senior Counsel and Mr. M.S. Singhvi, learned Advocate General appearing on behalf of the State Government have submitted that the Central Government has allocated medical oxygen from Tata Steel Plant, Kalinganagar (Odisha) and Steel Authority of India, Baranpur (West Bengal) and from the plants situated in Gujarat and in Bhiwadi (Rajasthan) but due to paucity of cryogenic tankers, it has not been possible to get required quantity of oxygen to cater the need for the rapidly



increasing number of active patients of Covid-19. While showing a chart from 01.05.2021 to 18.05.2021 containing the actual and projected number of active patients, it has been further submitted that adequate quantity of oxygen has not been allocated by the Central Government to the State in proportion to the number of active patients. They have further submitted that essential medicines i.e. Remdesivir Injection, Tocilizumab Injection and Itolizumab Injection have also not been allocated in proportion to the number of active patients in the State, rather the allocated quantity of essential medicines has not been supplied to the State. Therefore, the Central Government should be directed to ensure logistics for transportation of oxygen, allocation and timely supply of oxygen and essential medicines in proportion to the active cases in the State.

Mr. R.D. Rastogi, learned Additional Solicitor General assisted by Mr. Anand Sharma appearing on behalf of the Union of India seeks three days time to file reply. He has further submitted that initially the number of active patients was increased in the State of Rajasthan but it has decreased in past few days and obviously the requirement of oxygen and medicines has been reduced accordingly. The Central Government has made necessary allocation of oxygen and essential medicines in proportion to the number of active cases in each State. The Central Government and all the State Governments are committed to take all possible measures to control the emergent situation.



Mr. R.N. Mathur, learned Senior Counsel has suggested that at least one dedicated oxygen plant should be set up at each District Headquarter to cater the local need, which shall reduce the pressure on the hospitals of big cities.

Learned Advocate General has submitted that the buildings of Bar Council at Jaipur and Jodhpur shall be made operational as Covid Care Centre for Covid patients with essential logistics. He has further informed that the State Government is taking effective steps to set up dedicated oxygen plant at each District Headquarter.



Dr. Sachin Acharya, learned counsel appearing on behalf of the Bar Council of Rajasthan submits that the committees constituted by this Court vide order dated 28.04.2021 are working as catalyst to assist the Covid patients in getting required medical assistance in time but it may be appropriate to evolve a mechanism to effectively address the grievances of the sufferers which are received by the committees so constituted.

सत्यमेव जयते

Mr. Bhunesh Sharma, the President of the Rajasthan High Court Bar Association, Jaipur submits that the issue of supply of oxygen to the Covid patients is yet to be resolved and the grievances of the Advocates have also not been suitably addressed so far. Therefore, necessary directions are required to be issued in this regard.



We have considered the above submissions and perused the record.

Having heard learned counsel for the parties, we must acknowledge and appreciate the efforts put in by the Central Government, State Government, NGOs' and even by the individuals for containment of the Covid-19 pandemic and to join hands to minimize the pains of sufferers of the pandemic. We record our satisfaction that as a result of total lock-down and other preventive measures, the number of active patients is decreasing, but no laxity can be afforded till total control over the pandemic is achieved. In our opinion, no purpose would be served by fault finding or blaming each other, rather it may discourage the corona warriors who are dedicated and committed to serve the sufferers even by putting their lives in danger. Once we overcome the pandemic, everyone would get ample opportunity to introspect to take necessary steps or to formulate a concrete plan to effectively deal with probable third wave of the pandemic.

We are informed that Hon'ble Supreme Court has constituted the National Task Force to ensure proper allocation of oxygen and essential medicines by the Central Government to the States. The Central Government has also formulated a High Level Committee which regularly reviews the requirement of the States and allocation of oxygen and essential medicines is made to the States. Thus, we find that proper mechanism is in place for the purpose.



The requirement of the oxygen and essential medicines depends upon the number of active patients which varies day-by-day, therefore, it is directed that the State Government shall place the requirement of oxygen and necessary logistics for its transportation and essential medicines i.e. Remdesivir Injection, Tocilizumab Injection, Itolizumab Injection and other medicines before the Central Government with necessary projected details. The requirement of the State shall be immediately considered by the Central Government and allocation of oxygen and essential medicines shall be strictly made in proportion to the active patients of Covid-19 at the earliest possible, and adjustments may be made in the next installment, if any surplus is available from the earlier allocation.

The Central Government shall consider to arrange required number of cryogenic tankers for transportation of medical oxygen as well as allocation of the oxygen from within the State and/or preferably from nearby places to avoid delay in transportation.

We are confident that looking to the urgency and importance, the Central Government/Task Force shall ensure timely supply of oxygen and medicines as per allocation so that not even a single person suffers on that count.

In response to the suggestion made by Mr. R.N. Mathur, learned Senior Counsel, learned Advocate General has informed about the steps being taken for establishment of oxygen plant at District Headquarters. We hope and trust that the State



Government shall take all endeavor to ensure availability of oxygen and necessary medicines to the poorest of the poor across the State.

The State Government shall ensure that the buildings of the Bar Council of Rajasthan, both at Jaipur and Jodhpur shall be made operational as Covid Care Centre at the earliest. Necessary medical staff shall be deputed at both the places and essential medical facilities, such as oxygen concentrators/oxygen cylinders and medical kits shall be made available so that the Advocates and their family members having initial symptoms of the disease may be treated and/or isolated. An action taken report shall be placed before the Court by the next date positively.

We appreciate the fact that the State Level and District Level Committees constituted vide order dated 28.04.2021 are functioning as catalyst to facilitate the Covid patients to get proper and timely treatment. It is reiterated that the concerned authorities shall cooperate the committees by taking immediate steps to resolve the grievances so reported by these committees, however in case any grievance is not redressed, the concerned committee shall communicate the same to the Covid Redressal Cell, constituted in the office of the Registrar General of this Court and in turn, the Cell so constituted shall bring the unattended grievances to the notice of a Nodal Officer to be appointed by the Secretary, Medical & Health, State of Rajasthan, who shall ensure redressal of the same at the earliest possible.



Reply-affidavit on behalf of the Union of India shall be filed within three days, as undertaken by the learned Additional Solicitor General after supplying copies of the same to the learned counsel for the parties.

The matter be listed again on 26.05.2021.



(SATISH KUMAR SHARMA),J

Kamlesh Kumar/1

(INDRAJIT MAHANTY),CJ



सत्यमेव जयते