

**IN THE HIGH COURT OF UTTARAKHAND**

**AT NAINITAL**

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH  
CHAUHAN

AND

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**WRIT PETITION (PIL) No. 97 OF 2019**

**28<sup>TH</sup> APRIL, 2021**

Between:

Anu Pant .....Petitioner.

and

State of Uttarakhand and another ...Respondents

Counsel for the petitioner: Mr. Abhijay Negi,  
Advocate.

Counsel for the respondents :Mr. S.N. Babulkar,  
learned Advocate  
General with Mr. C.S.  
Rawat, learned Chief  
Standing Counsel for  
the State.

**The Court made the following:**

**ORDER** : (per Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

Mr. Abhijay Negi, the learned counsel for the  
petitioner, has made the following suggestions: -

- (1) Since the availability of beds is a critical information that must be available to the public at large, like the States of Telangana and Rajasthan, the State of Uttarakhand should also try to create a Real Time Portal, whereby the availability of beds in each hospital can be

informed to the people on an hourly or two-hourly basis.

(2) On 26.04.2021, the District Magistrate, Dehradun had issued a list of oxygen suppliers. However, a further inquiry has revealed that out of the ten oxygen suppliers, indicated by the learned District Magistrate, only three of the oxygen suppliers have oxygen gas available with them. Therefore, the learned counsel prays that the District Magistrate, Dehradun should be directed to correct the said list, and to publish the corrected list for the benefit of the people at large.

(3) A large number of persons need to be helped while they are quarantined at home. Therefore, the Asha Workers and the NGOs, which are willing to undertake the task, should be permitted to operate in areas demarcated by the District Magistrates, where the Asha Workers and the concerned NGO can look after the essential needs of the patients and their family members. For this purpose, the learned counsel suggests that the District Magistrates should be directed to hold fortnightly meetings with the

Asha Workers, and the NGOs working within their jurisdictions.

(4) Although oxygen may be available, but there is a lack of availability of cylinders and flow-meters. Therefore, the learned counsel suggests that even a Real Time Portal with regard to the availability of oxygen, cylinders, and flow-meters should be made available to the public at large.

(5) Since there is a shortage of the Remdesivir, there is black-marketing of the said medicine. According to the learned counsel, the problem of black-marketing can be solved by affixing QR Codes, and by scanning the QR Codes. Moreover, the Drug Inspectors should be directed to carry out inspection of the Drug-Stores to ensure that the Remdesivir is neither hoarded, nor sold by over-charging the customers. In case the Drug Inspectors do discover that Remdesivir is either being hoarded, or being over-charged, they should be directed to take strict action against the concerned Drug-Store.

(6) Lastly, the learned counsel suggests that since a large number of persons have recovered from Covid-19, the Government must make concerted efforts to motivate such persons to donate their plasma. For, plasma therapy has proven to be extremely successful in combating the pandemic. Moreover, since there is only a single plasma bank available in the State, the Blood Banks should be encouraged to collect the plasma in each city / town of the State, and the collected plasma should be made available to the hospitals working within the cities / towns in order to carry out plasma therapy.

2. On the other hand, Mr. S.N. Babulkar, the learned Advocate General for the State of Uttarakhand, submits that already the State is combating the pandemic on a war-footing. Therefore, it may not be possible for the State to immediately implement the suggestions made by the learned counsel for the petitioner. Therefore, he prays that sufficient time should be given to the State to implement the suggestions made by the learned counsel.

3. Heard the learned counsel for the parties.

4. In spite of the best efforts of the State, despite its best intention, it is essential that the State must endeavour to save the lives of as many people as possible. Therefore, every single town of the State must endeavour to fight against the pandemic and to ameliorate the condition of the public at large.

5. Needless to say, it is the constitutional mandate, and the moral duty of the State to save its people from the pandemic. The State must provide the real time critical information to its citizen. The State should co-ordinate with other States, such as Telangana and Rajasthan, where the softwares have already been created for informing the public about the critical information through Real Time Portal. Already the State of Telangana and the State of Rajasthan have established their Real Time Portals for informing the public about the availability of beds, and with regard to the availability of oxygen cylinders and flow-meters. Such softwares can also be duplicated in our State.

6. Therefore, this Court directs as under: -

(1) The State shall consider the possibility of seeking necessary software from other States, and of establishing a Real Time Portal for such

critical information to be disseminated to the public at the earliest.

(2) Since the list published by the District Magistrate, Dehradun dated 26.04.2021 is discovered to be flawed one, the District Magistrate, Dehradun is directed to correct the same, and to immediately inform the public in District-Dehradun with regard to the availability of oxygen with the suppliers available in District-Dehradun.

(3) The District Magistrates are directed to conduct fortnightly meetings with the NGOs and Asha Workers working within their jurisdictions, to demarcate the areas for the NGOs, or to demarcate a particular segment of the society, who are looked-after by the NGOs. The civil administration should cooperate with the NGOs for catering to the needs of the people.

(4) Moreover, the District Magistrates are directed to employ the Asha Workers, who would be in a position to cater to the needs of the people of the demarcated areas. It is for the District Magistrates to strategize the means, the ways and the manner, in which the Asha

Workers and the NGOs can be employed to fulfil the needs of the people immediately.

(5) The competent Authority under the Drugs Act is directed to instruct the Drug Inspectors to inspect the Drug Stores functioning within their jurisdictions, and to ensure that there is no shortage, or over-charging of Remdesivir. The concerned Drug Inspector should ensure that QR Codes are affixed on each packet (pack) of Remdesivir. In case any pharmacist is discovered to be hoarding, or selling Remdesivir over the permissible price, the concerned Drug Inspector shall take action against the concerned pharmacist, but strictly in accordance with law.

(6) The Government should endeavour to motivate the people to undertake the plasma donation. Since there is a single plasma bank, the Government should also endeavour to convince the Blood Banks to collect plasma in each city/town, and to disburse the same for plasma therapy to the hospitals, which are functioning within each city / town.

(7) The learned Advocate General for the State is directed to submit an interim report with

regard to the issue, whether the directions, given by this Court by this order, have been implemented, and the extent upto which these directions have been implemented by the State.

7. It is hoped that these directions would be implemented *in toto* within a period of one month. For, there is a distinct possibility that the pandemic may continue for many months to come.

8. List this case on 10.05.2021.

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**RAGHVENDRA SINGH CHAUHAN, C.J.**

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**ALOK KUMAR VERMA, J.**

Dt: 28<sup>th</sup> April, 2021  
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