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

D.B. Civil Writ (PIL) Petition No. 5127/2021

Rajasthan High Court Bar Association

----Petitioner

Versus

State Of Rajasthan

----Respondent



For Petitioner(s) : Mr. Bhuvnesh Sharma, Advocate
Mr. Girraj Prasad Sharma, Advocate
Mr. Anil Chaudhary, Advocate
Mr. Satish Sharma, Advocate
Mr. Sanjay Mehla, Advocate
All through V.C.

For Respondent(s) : Mr. M.S. Singhvi, Advocate General,
assisted by Mr. Sheetanshu Sharma,
Advocate,
Mr. Anand Sharma, Advocate, for UOI
All through V.C.

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE INDERJEET SINGH**

Order

28/04/2021

We have taken up the PIL petition today and heard the submissions made on behalf of the parties.

Counsel for the petitioner submitted that in the various hospitals situated in the Jaipur City beds for treating the COVID patients are not available. Counsel further submitted that essential drugs and injections like Remdesivir are not adequately available in the hospitals. Counsel further submitted that information with regard to availability of beds is also not available to the attendants of the patients. Counsel further submitted that SMS Hospital be also declared as COVID treating hospital. Counsel further submitted that more dedicated COVID hospitals be declared and



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lastly submitted that for proper monitoring of the problems a committee be constituted. Counsel further submitted that the Bar Council of Rajasthan has agreed to hand over its building situated at Jaipur and Jodhpur for opening of dedicated COVID hospitals for treatment of COVID patients and Advocates and their families be given priority, and prayed that the State Government be directed to provide the infrastructure like oxygen, beds, injections, doctors, medical & nursing staff etc.

Learned Advocate General appearing on behalf of the State submitted that the State Government is making serious efforts to come out with the solutions and a committee of three Cabinet Ministers of the State met with the High Power Committee of the Ministers of the Central Government on 27.04.2021 to discuss the problem about availability of oxygen, drugs & injections like Remdesivir etc.

Learned Advocate General further submitted that the Central Government has assured for supply of these items to the State Government as early as possible. Learned Advocate General further submitted that for COVID treatment rates have already fixed by the State Government for various private and government hospitals and in the government hospitals treatment is given to COVID patient free of cost. Learned Advocate General further submitted that online portal is available on the internet indicating availability of beds in the private as well as government hospitals in the State of Rajasthan.

It was brought to the notice of the Court by the learned Advocate General that not only is there great pressure on the medical infrastructure in the State for treatment of patients, the entry of attendants into the medical facilities has led to great



difficulties being faced by the COVID warriors and doctors in treating the patients.

Learned Advocate General assured that if the building at Jaipur and Jodhpur is handed over to the State Government by the Bar Council of Rajasthan, appropriate medical facilities will be provided by the State Government at the earliest.

Mr. Anand Sharma, learned counsel appearing on behalf of Union of India submitted that the Hon'ble Supreme Court is seized with the matter regarding supply of oxygen throughout the country. He further submitted that the Central Government is making every possible effort for supply of oxygen in different States throughout the country as well as supply of drugs, injections as per the demand raised by the State Governments.

Heard counsel for the parties and perused the record.

So far as supply of oxygen is concerned, learned Advocate General has submitted that in government hospitals no death has yet occurred due to shortage of oxygen and presently adequate medicines are available in the State.

Considering the circumstances, as recorded hereinabove, we are of the considered view that a State Level Committee and District Level Committee be formed in the following manner:-

State Level Committee:

1. Chairman, Bar Council of Rajasthan
2. Advocate General, State of Rajasthan
3. Additional Solicitor General
4. Presidents of the Rajasthan High Court Bar Association, Jodhpur/Jaipur.

Convenor of the committee shall be the Secretary of the State Bar Council, Rajasthan.



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The aforesaid committee shall set up Emergency Assistance Cells at Jodhpur/Jaipur State Bar Council offices. The Help-Desk shall be manned 24 hours and adequate number of telephone/cell numbers be provided for operation of the helpline number. Adequate publicity be given to such Help-Desk and helpline numbers.

State Bar Council shall take steps to depute such number of personnel, as required to attend the calls. Such emergency helpline numbers would be widely publicised, both in the Print and Electronic Media in order to make the public aware of the assistance available at hand as well as to instil confidence in them during the present pandemic situation.

The offices of the committee shall regularly inform and contact the various officials appointed by the State and/or Municipal Bodies and/or Health Authorities to make available necessary medical assistance, such as ambulance, hospitalization and medical care etc., as may be needed by the people referred to by the committee.

The aforesaid authorities of the State shall maintain record of steps taken for alleviating the problems faced by the public at large and referred to by the committee formed hereinabove.

District Level Committee:

Similarly District Level Committees are directed to be formed at all District Headquarters except Jodhpur and Jaipur and the said committees shall consist of the following:-

1. Secretary, District Legal Services Authority.
2. President, District Bar Association.
3. Nominated member of Rajasthan State Bar Council.



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Help-Desk at district level at DLSA office having necessary manpower are vested with the necessary authority to issue necessary directions to all officials of the State and Municipal and Health Authorities, who have been vested with the duty to take care of COVID patients during the present pandemic, shall respond immediately to the request sent by such committees and keep record of all steps taken in regard to the treatment of referred patients. The Help-Desk shall be manned 24 hours and adequate number of telephone/cell numbers be provided for operation of the helpline number and adequate publicity be given to such Help-Desks and helpline numbers.

We hope and trust that the committees formed by us will take all necessary steps to alleviate the difficulties being faced by the general public at large in the State of Rajasthan and act as a bridge with the authorities created by the State for the purpose of dealing with the present COVID pandemic.

We further direct that the State Level Committee shall obtain reports from all the District Level Committees and submit such reports before this Court on a fortnightly basis.

In addition to it, it is hereby directed that the State is to provide necessary police assistance at all hospitals in order to control the entry and exit into the hospitals and limit access of attendants of patients to one attendant per patient at any one time. This direction is being issued for the welfare of the patients who require treatment.

This Court expresses its expectation as well as confidence that the committees set up by it shall supplement the efforts being made both by the Union of India as well as the State of



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Rajasthan in the matter of providing medical aid to the people of our State.

We further direct the Health Secretary of the State to monitor all the district hospitals/COVID dedicated centres on daily basis so that the requirement of these hospitals with regard to drugs, oxygen and injections be meted out and utilized properly.

List this matter again on 30.04.2021.



(INDERJEET SINGH),J

(INDRAJIT MAHANTY),CJ

VIJAY SINGH SHEKHAWAT / KAMLESH KUMAR/1

