

High Court of Sikkim

Record of proceedings

WP(PIL) No.06 of 2020

In Re : Covid 19 Management

Date : **15-09-2021**

CORAM :

**THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, ACTING CHIEF JUSTICE
THE HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioners

Mr. Jorgay Namka, Advocate as Amicus Curiae.

For Respondents

R-1, R-2 & R-12

Ms. Sangita Pradhan, Assistant Solicitor General.

R-3 to R-11

Mr. Vivek Kohli, Advocate General.

Ms. Yeshe Wangmoo Rinchhen, Government Advocate.

ORDER

Rai, ACJ

1. The State-Respondents No.3 to 7 have filed their Report, dated 08.09.2021, in compliance to the queries put forth by this Court on 01.09.2021.

2. So far as the availability of Oxygen is concerned, it is submitted that presently, there is no shortage of Oxygen in any of the Hospitals in the State and although a technical problem has arisen in the Oxygen Plant at the New STNM Multi-Speciality Hospital, Sochakgang, East Sikkim, this issue is being addressed and will be workable soon. In any event, should repair works take time, they have sufficient Oxygen for the requirements of the Hospital/Patients. That, as on 02.09.2021, the total Oxygen generating capacity within the State is 9.16 MT per day, while the total consumption of medical Oxygen of the State is 1.9 MT per day, hence, presently the utility of Oxygen is at 25% only against the availability.

3. On the question of the establishment of the RT-PCR Testing Laboratories, it is stated that under the Emergency Covid Response Package : Phase II (ECRP : Phase II), the concerned Ministry at the Central Government has approved the proposals of the State Government to establish such Laboratories at the District Hospitals in Namchi and Gyalshing. That, as per the

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Communication, dated 13.08.2021, from the Ministry of Health and Family Welfare (National Health Mission), Government of India, it is informed that all approved proposals under the ECRP : Phase II, is to be implemented from 01.07.2021 and are to be completed well before 31.03.2022. Learned Advocate General submits that all efforts in this direction are being made by the State Government.

4. That, the Standard Operating Procedure (SOP) for the anticipated third wave of Covid-19 has also been notified by the State Government vide Notification No.253/H&FW, dated 06.09.2021, and all relevant details have been referred to and addressed in the SOP.

5. That, during the discussions before this Court on 01.09.2021, the issue of Vaccination had also arisen. It is submitted by the Learned Advocate General that, as of now the State Government has completed Single Dose Vaccination of almost 96% of the eligible population and Second Dose Vaccination of more than 50% of the eligible population.

6. That, so far as the establishment of the Paediatric Intensive Care Units (PICUs) are concerned, the Communication, dated 13.08.2021 *supra*, reveals that a Budget has been allocated for ramping up health infrastructure with focus on the PICUs, as evident from Page 975 of the Paper Book. That, the establishment of the PICUs is a non-negotiable component and steps are being taken for ramping up such facilities and infrastructure at the District Hospitals in Singtam (East District), Gyalshing (West District), Mangan (North District) and Jorethang (Karfectar), South District, as reflected in Page 975 of the Paper Book.

7. This Court has noticed that at Page 958 of the Paper Book, the details of Ambulances in all Hospitals in Sikkim have been provided but the details of Drivers attached to such Ambulances have not been mentioned. The Court is concerned that if twenty Ambulances are available in the East District, however only four Drivers are employed, in effect, only four Ambulances in the East

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District would be functional. Learned Advocate General assures the Court that as per verbal instructions received by him the process of appointment of more Drivers is underway. That should any shortfall in this context be discovered, the State-Respondents will take necessary steps.

8. That, the Issues raised at Serial No.5 of the Order dated 01.09.2021 is also being addressed by the State-Respondents and, in fact, Annexure R-5, which is a Communication, dated 03.09.2021, bearing No.4580/H&FW addressed to the District Collectors of all the Districts, the Additional Chief Secretary, Health and Family Welfare Department, Government of Sikkim, has informed the Collectors that medical equipment and medicines as provided in the List annexed, has to be made available to the Covid positive patients residing in the Covid Care Centres (CCCs) as per the guidelines of the Ministry of Health and Family Welfare, Government of India. The Collectors have been requested to ensure that these equipment and medicines are available in the CCCs. That, in case of non-availability of the items, it should be provided from the Disaster Management funds. The List includes medical equipment not only at the Hospitals but also at the CCCs including drugs, testing kits and other consumables.

9. It is further submitted by the Learned Advocate General that the Covid Dedicated Wards in the New STNM Multi-Speciality Hospital, East Sikkim is adequate. For the North District, steps are being taken to ramp up the facilities, as also for the South and West Districts. Besides, the infrastructure being increased in the District Hospitals, Intensive Care Unit facilities are also being prepared in Jorethang (Karfectar). That, wide advertisements is being given to the Policies of the State Government for shielding the population of Sikkim from the repercussions of the Covid 19 pandemic. Admittedly, for North Sikkim, the facilities are not as would be desired, however, a skeletal structure for the Hospital has already come up while presently, patients are being treated from another facility.

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10. Learned Assistant Solicitor General for Respondents No.1, 2 and 12 submitted that Vaccination for the age group of 12 to 18 years are to be taken up soon, however, approval is awaited from the National Expert Group on Vaccine Administration for Covid-19 (NEGVAC), a Committee constituted by the Ministry of Health and Family Welfare, Government of India. As soon as such approval is granted, children of the above age group will be vaccinated.

11. In view of all the submissions made hereinabove, we are of the considered opinion that the anxieties raised in the instant PIL have been addressed by the State Government and steps are also being taken in the right direction for establishment of all requisite infrastructure and other necessities. The SOP is also in place should a third wave of Covid-19 hit the State.

12. As nothing further remains for consideration, we accordingly dispose of this Writ Petition with the hope that the State Government will continue to take preemptive and curative strides in the containment of the Covid-19 situation in the State.

Judge
15-09-2021

Acting Chief Justice
15-09-2021