

High Court of Sikkim

Record of proceedings

WP(PIL) No.06 of 2020

In Re : Covid 19 Management

Date : **01-04-2021**

CORAM : **THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**
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 of India.

R-3 to R-11 Mr. Sudesh Joshi, Additional Advocate General.
Ms. Yeshi W. Rinchen, Government Advocate.
Mr. Hissey Gyaltzen, Assistant Government Advocate.

ORDER

Rai, J.

We have perused the report dated 30-03-2021 filed by the State-Respondents. We have also seen the details furnished therein and we are appalled, to say the least, by the statements made at Paragraph 11 of the report *inter alia* reflects that "*the State Government is closely over viewing the situation*" when all they have in hand is about only 4,000 (four thousand) RTPCR test kits said to be stocked in various hospitals/PHCs. The break up of such availability is not disclosed. They are also said to be in possession of 24,334 (twenty-four thousand, three hundred and thirty four) PPE Kits in stock, which the Government presumes will be sufficient for the next 4 (four) months without informing the Court the basis on which they are arriving at such a conclusion. The report has evidently been filed without application of mind considering the figures mentioned in Paragraphs 7, 8 and 9 of their report do not even tally with each other.

Learned Government Advocate has drawn our attention to the report dated 24-02-2021 in which the State-Respondents have specified the various machines which are used exclusively by the COVID patients. Ventilators 12 in number according to

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them would suffice for the number of patients who are hospitalized with COVID. The number of patients who were hospitalized at the peak and number of ventilators that were required at that stage have not been furnished for this Court's perusal. The number of patients who were in the ICU has also not been revealed for the Court to assess the requirement of the machine.

In any event, we are of the considered opinion that 12 Ventilators would definitely not suffice for the number of COVID patients that are hospitalized.

In view of the discussions that have emanated in the Court, the State-Respondents will inform us of the protective and preventive steps that are being taken and are going to be taken for tourists entering the State, over and above the Standard Operating Procedure prescribed in view of the peculiar local conditions and the medical infrastructure available.

Learned Amicus Curiae mentions that no steps have been taken in this context with regard to migrant labourers entering and exiting the State.

Learned Assistant Government Advocate will also take note of this and inform of us steps taken.

We also note that the details of medical infrastructure furnished before us is woefully lacking.

Let the State-Respondents inform us of the latest position pertaining to requisition for PPE Kits and RTCPR test kits.

It is expected that the State-Respondents will be prepared well in advance for any contingency should there be either a gradual or a sudden increase in the number of COVID patients, which obviously cannot be predicted.

The State-Respondents shall also inform us with regard to the assistance of the Police Department being sought and taken in this regard or coercive measures contemplated vis-à-vis persons/tourists not using masks or ignoring other Covid protocols.

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As undertaken by Learned Government Advocate let a cohesive report be filed including all the points raised hereinabove.

List on 20-04-2021.

Judge
01-04-2021

Judge
01-04-2021

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