

High Court of Sikkim

Record of proceedings

WP(PIL) No.06 of 2020

In Re : Covid 19 Management

Date : **01-09-2021**

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 of India.

R-3 to R-11 Mr. Vivek Kohli, Advocate General.
Mr. Sudesh Joshi, Additional Advocate General.
Mr. Hissey Gyaltzen, Assistant Government Advocate.

O R D E R

Rai, ACJ

1. On queries put by the Court, Learned Advocate General submitted that so far as the Oxygen availability is concerned, there is no shortage of Oxygen at the new STNM Multi-Speciality Hospital, Sochakgang, Sichey, East Sikkim. That Oxygen Plants for the District Hospitals at Mangan, Gyalshing, Singtam and Namchi, have also been completed and have been commissioned. Let this submission be filed in a report.
2. The Assistant Solicitor General of India submits that the Viral Research and Diagnostic Laboratory (VRDL) cannot be set up in the State in view of the scheme of the Government of India, however, in her Affidavit dated 22-07-2021 (page 726), it is informed that the State can approach the National Centre for Disease Control (NCDC), Ministry of Health and Family Welfare for setting up the Integrated Public Health Laboratory. No steps on this count appear to have been initiated by the State-Respondents. Learned Advocate General shall inform the Court as to whether heed was paid to the advice of the Respondent No.12.
3. It was also suggested in the Affidavit *supra* that the State Government can also set up their own Molecular Testing Laboratory for which the State may buy equipment and

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consumables. The Learned Advocate General is not able to update us today on this aspect and submits that he requires some time to obtain instructions.

4. That, the Standard of Procedure (SoP) for the anticipated third wave of Covid-19 is pending approval of the State Government. He undertakes to place all details including care of children before this Court within a week.

5. At Page 849 of the Paper Book, the Government of India, Ministry of Health & Family Welfare, has issued an SoP dated 16-05-2021, which is annexed in the report of the State-Respondents No.3 to 11, dated 27-07-2021. It is noticed *inter alia* that the State-Respondents have not complied with the directions therein inasmuch as the ambulance facilities and the prescribed requirements thereof are lacking, the Inpatient Department admittedly does not have a screen between the beds, spittoons and urinals are not in place. Let the SoP of the Central Ministry *supra* as provided on 16-05-2021 be complied to the letter and report be furnished by the State-Respondents.

6. List on 07-09-2021 along with WP(PIL) No.08 of 2020.

Judge
01-09-2021

Acting Chief Justice
01-09-2021

ds/jks/ml