

Court Room No. 1.

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

WP(PIL) No. 06 of 2020

In Re: Covid 19 Management

Date: 15/05/2021

CORAM:

**HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

For Petitioner(s)	: Mr. Jorgay Namka, Advocate as Amicus Curiae.
For Respondent(s) R-1, R-2 & R-12	: Ms Sangita Pradhan, Assistant Solicitor General of India
R3 to R-11	: Mr. Sudesh Joshi, Additional Advocate General. Mr. Sujan Sunwar, Assistant Government Advocate.

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1. We have heard the concerns of the learned Amicus Curiae Mr. Jorgay Namka regarding treatment of patients suffering from Covid-19 virus in the District Hospitals at Mangan (North), Namchi (South), Gyalshing (West) and Singtam (East); providing Covid-19 dedicated ICU and ventilator facilities at those hospitals and the need to involve the concerned District Magistrates, Medical Superintendents/Officers of the Districts to augment the resources to deal with the present pandemic.

2. We have also heard Mr. Sudesh Joshi, the Additional Advocate General for respondents no. 3 to 11 on the various steps taken by the State respondents. We have noted the concerns expressed by the State respondents in their affidavit dated 13.05.2021 and the facts stated therein.

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3. It is noted that presently RT-PCR testing facility is available only in the new STNM Hospital and Central Referral Hospital, Tadong, in the East District of Sikkim. In the affidavit dated 13.05.2021, the respondents no. 3 to 11 (State respondents) state that they are not able to open such facilities elsewhere in the State due to non-availability of trained manpower, including Microbiologists. We have also noted the State's concern regarding disposal of bio-waste which can be done, as per the affidavit, at Haldia, West Bengal only. In a state of the present pandemic, it has been noticed that RT-PCR test is of vital importance. We are, therefore, of the view that the State Government must take urgent and immediate steps to provide RT-PCR testing facilities, at least, in the four District Hospitals and for the said purpose, take up such steps to augment their resources including employing trained manpower and Microbiologists.

4. We also notice that in the affidavit dated 13.05.2021, the State Government has admitted that there is no Covid ICU at Namchi, Mangan and Singtam District Hospitals. However, it is submitted that the five non-Covid ICUs in the District Hospital Namchi, seven non-Covid ICUs at Gyalshing, two non-Covid ICUs at Mangan and five non-Covid ICUs in Singtam, can be used as covid facilities, should the need arise.

5. In so far as ventilators are concerned, the affidavit dated 13.05.2021 mentions that there are 24 ventilators earmarked for covid patients and more ventilators in non-covid wards which can be utilized for covid patients should the need arise. It is not clear whether the District

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Hospitals, besides the East District, have ventilators which could be utilized for covid-19 patients. We also note that as per the affidavit dated 13.05.2021, out of 508 patients admitted in hospital, 102 of them are on oxygen support. We note that the State respondents have emphatically submitted that there is no shortage of oxygen supply to cater to the needs of covid-19 patients in Sikkim. We are of the view that dedicated Covid-19 wards and ICU facilities should be provided in all the District Hospitals, including Singtam, with oxygen and ventilator support.

6. It is noted that there is a proposal for setting up of PSA (Pressure Swing Absorption) Oxygen Generating Plant with capacity of 200 LMP at District Hospital, West Sikkim, which has been submitted to the Government of India. Further, there is also a proposal for obtaining 56 nos. of D-Type Oxygen Cylinders and 179 numbers of B-Type Oxygen Cylinders and has been submitted to the Government of India. However, it is not clear as to what are the time lines set for setting up of PSA (Pressure Swing Absorption) Oxygen Generating Plant at Gyalshing and the proposal for obtaining D –Type and B-Type Oxygen Cylinders. Considering the present pandemic, the rapid rise in Covid-19 infections and deaths in the State of Sikkim, we are of the view that the State must take all necessary steps to augment its resources to meet the present situation on a war footing.

7. In the affidavit dated 13.05.2021, it is noticed that the State has 63 ambulances. There are no details regarding the facilities available in the ambulances. The affidavit mentions two dedicated covid ambulances attached to the new STNM Hospital which are used to

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transport patients from Gangtok Municipal Area to new STNM Hospital only. There is no mention of such dedicated Covid-19 ambulances for the District Hospitals in the affidavit dated 13.05.2021. We are concerned about the non-availability of covid-19 dedicated and fully equipped ambulances with oxygen and paramedic support for the District Hospitals.

8. Although, the affidavit dated 13.05.2021 deals with other aspects and concerns raised by the learned Amicus Curiae from time to time during the course of the hearing, we are presently dealing with the above issues found to be requiring immediate attention.

9. The learned Additional Advocate General has sought a weeks' time to respond to the above issues in the form of an affidavit. The State respondents are permitted to do so within one week from today.

10. Further, as requested by learned Assistant Solicitor General a week's time by way of last chance is granted to file response.

11. Let the response be filed on before 24.05.2021 by all the respondents.

12. List the matter on 25.05.2021.

Judge

Chief Justice