

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

WRIT PETITION(S)(CIVIL) NO(S). 523/2020

EARTH & ANR.

PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

Heard learned counsel for the petitioners as well as Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the Union of India.

Notice was issued on 17.06.2020. In pursuance of the notice, the Union of India through Ministry of Health and Family Welfare has filed an affidavit and an affidavit has also been filed by the State of Gujarat. The petitioners in the Writ Petition have made the following prayers:

“(a) to issue a writ/order/direction in the nature of mandamus directing the respondent no. 3 to utilize the powers available under Sections 65 of the Disaster Management Act, 2005 to requisition private vehicles such as all the private ambulances registered with all the Road Transport Offices along with vehicles used for public transport in order to satisfy the increasing demand of ambulances for COVID-19 as well as NON-COVID patients.

(b) to issue a writ/order/direction in the nature of mandamus directing the Respondent no. 3 to utilize the powers available under Section 65 of the Disaster Management Act, 2005 by requesting officers and authority of the Union and State Governments to make themselves available to perform functions in connection with mitigation of the disaster.

(c) to issue a writ/order/direction in the nature of mandamus directing the Respondent nos. 1,2 and 3 to facilitate in the development of a centralized system and for the establishment of 'operation centers' in every district for booking appointments, admission in hospitals and/or for available ambulance services for both COVID-19 and NON-COVID patients.

(d) to issue a writ/order/direction in the nature of mandamus directing the Respondent nos. 1,2 and 3 to fix the rates chargeable by ambulances per km and to prepare detailed guidelines for the ambulance/ambulance services with advisories for the staff in ambulance with respect to use of health safety equipment like PPE Kits, etc and to equip with ambulances to be used for COVID-19 patients with ventilators, oxygen cylinders etc."

In the affidavit which has been filed on behalf of the Union of India it has been stated that the Ministry of Health and Family Welfare has formulated Guidance Note on "India COVID-19 Emergency Response and Health System Preparedness Package" on 23.04.2020 and Standard Operating Procedure (SOP) has also been issued on 29.03.2020 (Annexure R-1/2). The SOP deals with transporting a suspect/confirmed case of COVID-19. Para 3 of the SOP deals with the transportation of patients and there is specific details regarding augmenting the capacity of ambulances in districts. The SOP mentions issuance of detailed guidelines to all the States.

In Para 5 of the affidavit filed by the State of Gujarat, the following has been stated:

"5. I say and submit that Government of Gujarat is following the Standard Operating Procedure "SOP" issued by the Respondent No-1 Union of India dated 29th March, 2020 for transporting suspect/confirmed cases of COVID-19. The procedure for guiding and training the ambulance drivers and technicians in

transporting the COVID-19 patients is being strictly followed as per the said "SOP".

As per SOP issued by the Ministry of Health and Family Welfare on 29.03.2020, it is obligatory for all the States to follow all the guidelines with regard to augmenting the capacity of ambulances in districts. The ambulances should be made available to the COVID patient as per the details mentions therein immediately extending the helping hand to the needy patients who are required to be transported to the hospital. The affidavit further mentions with regard to Government of Gujarat. In paragraph no. 7, the following has been stated:

"7. I say and submit that the Government of Gujarat is also having GVK EMRI "108" ambulance services being used for COVID-19 and NON-COVID patients. The "108" services has a well equipped control room with doctors and nurses working in the control room. They immediately attend the calls from the patients and divert the nearest 108 ambulance to rush there at the earliest and provide service to the COVID-19 patients. That separate dead body vans are also in use to carry the dead bodies. It is submitted that there is no need to increase the number 108 ambulances at present, but the State Government will increase the ambulances as and when deemed necessary according to the demand of the situation and therefore there is no need to engage private vehicles at present."

The learned counsel for the petitioners has pointed out that SOP does not contain any guidelines with regard to ambulance charges. We are of the view that all States should fix a reasonable charge for ambulance and monitor that the charge fixed by the States should only be taken and no excess amount should be taken by the ambulance providers.

We dispose of this writ petition with the aforesaid directions.

.....J.
[ASHOK BHUSHAN]

.....J.
[R. SUBHASH REDDY]

.....J.
[M.R. SHAH]

NEW DELHI;
SEPTEMBER 11, 2020.

ITEM NO.33 Court 4 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 523/2020

EARTH & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 68125/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 52234/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 11-09-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Dhruv Tamta, AOR
 Mr. Hemant Manjani, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
 Mr. Gurmeet Singh Makker, AOR

Mr. Aniruddha P. Mayee, AOR

Mr. Chirag M. Shroff, Adv.
Ms. Sanjana Nangia, Adv.
Ms. Abhilasha Bharti, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The writ petition is disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI KUMAR)
AR-CUM-PS

(RENU KAPOOR)
BRANCH OFFICER

(Signed order is placed on the file)