

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

SUO MOTO WRIT PETITION (C) NO.3/2021IN RE : DISTRIBUTION OF ESSENTIAL SUPPLIES AND SERVICES
DURING PANDEMICO R D E R

The situation in various parts of the country is grim. There seems to be a sudden surge in the number of covid patients and mortality. Other than vaccination which is prophylactic in nature, covid can be treated only by some drugs such as Remdesivir. Oxygen to the patients is also said to be an essential part of the treatment.

Drugs, oxygen and vaccination availability and distribution are being carried out by Governments including the Central government according to protocols established by the health authorities.

Nonetheless, it seems that a certain amount of panic has been generated and people have invoked the jurisdiction of several High Courts in the country seeking various reliefs such as Delhi, Bombay, Sikkim, M.P., Calcutta, Allahabad and Gujarat. The High Courts have passed certain orders which may have the effect of accelerating and prioritising the services to a certain set of people and slowing down the availability of these resources to certain other groups whether the groups are

local, regional or otherwise.

Prima facie, we are inclined to take the view that the distribution of these essential services and supplies must be done in an even handed manner according to the advice of the health authorities which undoubtedly take into account relevant factors like severity, susceptibility, the number of people affected and the local availability of resources.

We expect the Central Government to place before this Court a national plan for dealing with the above services and supplies during Pandemic.

In these circumstances, we direct that notices be issued to the Union Government, the State Governments/Union Territories and the parties, who appeared to have approached the High Courts to show cause why uniform orders be not passed by this Court in relation to

- a) Supply of oxygen;
- b) Supply of essential drugs;
- c) Method and manner of vaccination; and
- d) Declaration of lockdown.

Prima facie, we are also of the opinion that the Central government should respond on the following -

1. Report on the existence or otherwise and requirement of setting up of a coordinating body that would consider allocation of the above resources in a consultative manner (with the involvement of concerned States and Union

Territories).

2. Considering declaration of essential medicines and medical equipment including the above articles as essential commodities in relation to COVID.

3. In respect of coordination of logistical support for inter-State and Intra-State transportation and distribution of the above resources.

The notice shall be made returnable tomorrow. Shri Harish Salve, learned Senior Counsel is appointed as *Amicus Curiae* to assist the Court in the matter. He shall be assisted by Ms. Anuradha Dutt, learned Advocate.

List the matter tomorrow at 11 am.

.....CJI
[S.A. BOBDE]

.....J
[L. NAGESWARA RAO]

.....J
[S. RAVINDRA BHAT]

NEW DELHI;
APRIL 22, 2021.

ITEM NO.302 Court No.1 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION (C) NO.3/2021

IN RE : DISTRIBUTION OF ESSENTIAL SUPPLIES AND SERVICES DURING
PANDEMIC

(FOR ADMISSION)

Date : 22-04-2021 This petition was taken up *suo moto* for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

By Courts Motion

Counsel for the parties

Mr. Tushar Mehta, Ld. SG
Mr. Rajat Mehta, Adv.
Mr. Kanu Agrawal, Adv.
Mr. B.V. Balaram Das, AOR

Mr. Harish Salve, Sr. Adv.
Ms. Anuradha Dutt, Adv.

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

Let notices be issued to the Union Government, the State Governments/Union Territories and the parties, who appeared to have approached the High Courts to show cause why uniform orders be not passed by this Court, in terms of the signed order.

List the matter tomorrow i.e. 23.04.2021 at 11 am.

(SANJAY KUMAR-II)
ASTT. REGISTRAR-cum-PS

(PRADEEP KUMAR)
BRANCH OFFICER

(Signed Order is placed on the file)