Court steps in COVID Mitigation Strategy

Why in news?

Recently Supreme Court ordered to form a 12-member national task force for effective and transparent allocation of medical oxygen to States/UTs.

What necessitated for the court to order?

- Supreme Court and several High Courts are examining different aspects of the pandemic response, including availability of beds and oxygen.
- Last week Karnataka High Court ordered that the centre should supply 1,200 tonnes of medical oxygen daily to the State.
- The Centre challenged this order in the Supreme Court and argued that if every High Court entertains petitions on equitable allocation of oxygen, pandemic management would become unworkable.
- But the Supreme Court declined to stay the order.

What was the court order?

- It was a response to the Union government's swinging response to the current health crisis.
- It said that medical oxygen should be allocated to States and Union Territories on a scientific, rational and equitable basis.
- It recommended to augment the supply based on present and projected demands and facilitate audits by sub-groups within each State and UT.
- It also mandated to suggest measures for ensuring the availability of essential drugs and remedial measures to meet future emergencies during the pandemic.
- The national task force has now become a judicially empowered group that may significantly guide to handle the second pandemic wave.
- They will facilitate in fresh assessment of the basis for the allocation.

What can we infer from this?

- Though there is an argument that allocation of resources based on a formula related to the present and projected requirements of each State is indeed an executive function.
- But as the daily infection numbers and death toll have acquired frightening

levels, the courts felt obliged to take it upon themselves to protect the right to life and good health of the population.

- The Court clarified that it is not usurping the executive's role, but only wanted to facilitate a dialogue among stakeholders.
- So the present intervention need not be seen as Judicial overreach.

Source: The Hindu

