

ITEM NO.1

COURT NO.1

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 (Crl) No(s). 2/2024

IN RE: ALLEGED RAPE AND MURDER INCIDENT OF A TRAINEE DOCTOR
IN R.G. KAR MEDICAL COLLEGE AND HOSPITAL, KOLKATA
AND RELATED ISSUES

(FOR ADMISSION and IA No.185574/2024-INTERVENTION APPLICATION and IA No.190235/2024-INTERVENTION APPLICATION and IA No.194010/2024-INTERVENTION APPLICATION and IA No.185851/2024-INTERVENTION APPLICATION and IA No.194183/2024-INTERVENTION APPLICATION and IA No.185161/2024-INTERVENTION APPLICATION and IA No.192100/2024-INTERVENTION APPLICATION and IA No.187643/2024-INTERVENTION APPLICATION and IA No.188278/2024-INTERVENTION APPLICATION and IA No.192250/2024-INTERVENTION APPLICATION and IA No.185498/2024-INTERVENTION APPLICATION and IA No.188323/2024-INTERVENTION APPLICATION and IA No.187656/2024-INTERVENTION APPLICATION and IA No.187814/2024-INTERVENTION APPLICATION and IA No.188500/2024-INTERVENTION APPLICATION and IA No.187964/2024-INTERVENTION/IMPLEADMENT and IA No.187639/2024-INTERVENTION/IMPLEADMENT and IA No.185169/2024-INTERVENTION/IMPLEADMENT and IA No.185545/2024-INTERVENTION/IMPLEADMENT and IA No.188328/2024-INTERVENTION/IMPLEADMENT and IA No.192908/2024-INTERVENTION/IMPLEADMENT and IA No.185565/2024-INTERVENTION/IMPLEADMENT and IA No.192097/2024-MODIFICATION OF COURT ORDER and IA No.190236/2024-CLARIFICATION/DIRECTION and IA No.187815/2024-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.194189/2024-PERMISSION TO APPEAR AND ARGUE IN PERSON and IA No.187646/2024-APPROPRIATE ORDERS/DIRECTIONS and IA No.192251/2024-APPROPRIATE ORDERS/DIRECTIONS and IA No.192912/2024-APPROPRIATE ORDERS/DIRECTIONS and IA No.187971/2024-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No.187974/2024-PERMISSION TO FILE APPLICATION FOR DIRECTION and IA No.187637/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 187646/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 190236/2024 - CLARIFICATION/DIRECTION, IA No. 187814/2024 - INTERVENTION APPLICATION, IA No. 188500/2024 - INTERVENTION APPLICATION, IA No. 187656/2024 - INTERVENTION APPLICATION, IA No. 188323/2024 - INTERVENTION APPLICATION, IA No. 187643/2024 - INTERVENTION APPLICATION, IA No. 188278/2024 - INTERVENTION APPLICATION, IA No. 192100/2024 - INTERVENTION APPLICATION, IA No. 185574/2024 - INTERVENTION APPLICATION, IA No. 185498/2024 - INTERVENTION

APPLICATION, IA No. 190235/2024 - INTERVENTION APPLICATION, IA No. 188328/2024 - INTERVENTION/IMPLEADMENT, IA No. 187639/2024 - INTERVENTION/IMPLEADMENT, IA No. 187964/2024 - INTERVENTION/IMPLEADMENT, IA No. 192097/2024 - MODIFICATION OF COURT ORDER, IA No. 187815/2024 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 187637/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 187974/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION, IA No. 187971/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

WITH
W.P.(Crl.) No. 351/2024 (PIL-W)
(FOR ADMISSION)

Date : 09-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

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

- 1 The Second Status Report dated 9 September 2024 has been filed by the Central Bureau of Investigation.
- 2 Having perused the report, it appears that the investigation is in progress.
- 3 We direct the Central Bureau of Investigation to file a fresh status report by the next date of hearing.
- 4 Three companies of CISF personnel have been deployed for the security at RG Kar Medical College and Hospital. The State of West Bengal has indicated that provision for housing the CISF personnel has been made thus:

"S.No.	Accommodation	Distance and Time	Proposed strength of CISF Personnel that can be accommodated
1.	KMCP Day School	2.6 km	1 company/54 Women

		(13 minutes)	Personnel
2.	Indira Matri O Sisshukalyan Hospital	1.7 kms (6 minutes)	1 company/54 women personnel
3.	3 flats in RMO quarters within RGKMCH	0 kms	20-25 peersonnel"

- 5 In the statement which has been placed on the record by the Union Government, on the other hand, it has been indicated that accommodation for one company has been provided in three locations, namely, at (i) RMO Quarter - RG Kar Hospital (20 persons); (ii) KMCP School (40 persons); and (iii) Indira Matri Sadan (30 persons); and, that the premises are likely to be handed over by the evening today.
- 6 In order to obviate any logistical difficulties, we direct that a sufficiently senior officer nominated by the State Government and an officer of CISF shall jointly liaise so as to ensure that all the three companies of the CISF personnel which have been deployed at the spot are duly provided with accommodation in the vicinity of the hospital.
- 7 Arrangements have been made for providing six buses, four trucks and three Light Motor Vehicles for transportation of the CISF personnel. The two officers shall ensure that necessary requisitions made by the CISF are duly complied with by 5 pm today. Necessary gadgets for security purposes shall, likewise, be arranged no later than by 9 pm today.
- 8 All social media posts circulating the photographs of the dead body of the deceased shall forthwith be removed to ensure the privacy and dignity of the deceased.

- 9 The Court has been apprised of the “Challan for use when a dead body is sent for examinations” (PRB Form No 54 – Vide Rule 282, WB Form No 5371).
- 10 The Solicitor General, on the instructions of the investigating officer of the CBI, states that the above challan, duly filled in, was not a part of the file which was handed over to the CBI for investigation.
- 11 Faced with the above, it has been submitted by Mr Phiroze Edulji, counsel appearing on behalf of one of the petitioners before the High Court at Calcutta, that the Form was, as a matter of fact, produced before the High Court during the course of the hearing.
- 12 The Form is unavailable with Mr Kapil Sibal, senior counsel, and Ms Astha Sharma, counsel, appearing on behalf of the State of West Bengal.
- 13 A copy of the Form duly filled in shall be produced before this Court on the next date of listing.
- 14 During the course of the hearing, the Government of West Bengal referred to mass abstentions from work of the resident doctors of Medical Colleges and Hospitals across the State for 28 days, as a consequence of which the healthcare system is facing severe disruptions.
- 15 Paragraphs 7 and 8 of the Status Report which has been filed by the Health Department of the State of West Bengal are set out below:

“7. Further, as the Resident Doctors of different medical colleges and hospitals across the state, have been abstaining from the duty for last 28 days, the healthcare

system is facing severe disruptions and can come to a standstill as resident doctors are the backbone of health care in government medical colleges and hospitals. Due to this continued cease work public at large is suffering. Some of the details are as follows-

- a) More than 6,00,000 individuals have been denied treatment as resident doctors are not attending OPDs, causing the daily number of attendees at Government Medical Colleges to drop from 70,000 to 40,000 approximately. This has also significantly restricted access to specialty and super-specialty treatments specially to poor patients such as cardiology, oncology, neurology etc as these facilities are only available at the Medical Colleges.
 - b) Additionally, over 61,000 patients have been denied indoor treatment, and 6,42,000 patients have been unable to access essential lab tests that are typically available free of charge.
 - c) Cardiology treatments such as stenting and angiography have been withheld for approximately 1,500 patients.
 - (d) Suspension of around 6,500 major surgeries across various different disciplines;
 - (e) There are numerous reports of patients, including those needing cancer treatment, not receiving necessary care, with 53 specific instances documented from media sources.
 - (f) Furthermore, information regarding 20 cases of deaths due to the denial of treatment have been recorded including different sources including those reported in media.
- 8 Due to aforementioned protests, the State Government has taken the initiative of holding several meetings with the agitating doctors and repeatedly urged them to return back to work with assurance that state will take all possible steps to ensure safety and security of the doctors, nurses and staff. Details of some of the meetings undertaken by the State Government with the Doctors are given hereunder-
- (i) On 21.08.2024, the Principal Secretary, Health met the representatives of agitating doctors at Swasthya Bhawan. All of their demands were met

- i.e. posting of new principal, new medical superintendent, new Head of the Department of Chest Medicine and new Dean of Student Affairs at RG Kar Medical College and Hospital. In fact, Principal Secretary, himself went to RG Kar Hospital in the night to inform the agitating doctors that all of their demands have been met and they were requested again to return to work considering problems faced by the patients due to abstinence of work by the Doctor.

- (ii) On 23.08.2024, after order of Hon'ble Supreme Court on 22.08.2024, a press briefing was held by Principal Secretary, Health Department, Government of West Bengal to request the agitating doctors to return to work considering the tremendous hardship faced by poor patients.
- (iii) On 24.08.2024, Director Medical Education and Special Secretary, Medical Education, requested Doctors to return to work at RG Kar Medical College and Hospital. They assured that their grievances are being attended.
- (iv) On 24.08.2024, Principal Secretary Health met Joint Doctors' Forum and requested them that residents must return to work."

16 The State of West Bengal must take necessary steps to create a confidence in the doctors that their concerns in regard to their security and safety are being duly attended to. In order to ensure this, all the respective District Collectors and Superintendents of Police shall take stock of the situation and ensure by the next hearing that necessary conditions have been created for ensuring the safety and security of all doctors in Government Medical Colleges and Public Hospitals, including, (i) provision of separate duty rooms for male and female personnel; (ii) availability of toilet facilities for male and female personnel; and (iii) installation of CCTV cameras.

17 In the Status Report which has been filed on behalf of the State Police, it has been indicated that funds have been sanctioned by the State of West Bengal for setting up additional CCTV cameras in Government Medical Colleges and

Hospitals and for carrying out necessary work towards creating other attendant facilities for doctors. The work shall be continuously monitored by the District Collectors in conjunction with the Superintendents of Police.

18 In order to create a sense of confidence among the doctors, we also direct that in the event that the doctors report for duty on or before 5 pm tomorrow (10 September 2024), no adverse disciplinary action shall be adopted by the State of West Bengal. In the event that any further complaint is received in regard to lack of safety or, as the case may be, security, such complaints shall be promptly attended to by the Superintendents of Police by making suitable arrangements. However, if there is continued abstention of doctors from work despite the above facilities which have been directed to put in place, there may be a likelihood of adverse action being taken in future. The resident doctors cannot be oblivious of the needs of the general community whom they are intended to serve and they should return to work within the time indicated above.

19 Mr Kapil Sibal, senior counsel appearing on behalf of the State of West Bengal, states that no action, including punitive transfers, shall be taken against the doctors who return to work in terms of the directions stipulated above.

20 List the proceedings on 17 September 2024.

(SANJAY KUMAR-I)
ADDITIONAL REGISTRAR

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR