

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

Petition(s) for Special Leave to Appeal (C) No(s).6950-6953/2024

[Arising out of impugned final judgment and order dated 07-03-2024 in CWP-(PIL) No.29/2024 07-03-2024 in CWP-(PIL) No. 30/2024 07-03-2024 in CWP-(PIL) No.36/2024 07-03-2024 in CWP-(PIL) No.42/2024 passed by the High Court of Punjab & Haryana at Chandigarh]

STATE OF HARYANA & ANR.

Petitioner(s)

VERSUS

UDAY PRATAP SINGH & ORS.

Respondent(s)

(IA No. 69901/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 69903/2024 - EXEMPTION FROM FILING O.T., IA No.287525/2024 - INTERVENTION APPLICATION, IA No. 150415/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.93491/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 15407-15410/2024 (IV-B)

(IA No. 150798/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 152875/2024 - INTERVENTION APPLICATION)

Date : 20-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Tushar Mehta, Solicitor General
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Madhav Sinhal, Adv.
Mr. Akshay Amritanshu, AOR
Ms. Himanshi Shakya, Adv.
Mr. Nikunj Gupta, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Swati Mishra, Adv.
Ms. Aakanksha, Adv.

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Mr. Madhav Sinhal, Adv.
Mr. Nikunj Gupta, Adv.

Ms. Himanshi Sakhya, Adv.
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.
Ms. Aakanksha, Adv.
Mr. Darshan Chandrakant Siddarkar, Adv.
Mr. Keshav Mittal, Adv.

For Respondent(s) Mr. Uday Pratap Singh, Adv.
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Mr. Amit Sangwan, Adv.
Mr. Angrej Singh, Adv.
Mr. Gurbhej Aulakh, Adv.
Ms. Savita Devi, Adv.
Mr. Ashu Bhindwar, Adv.
Mr. Manoj Kumar, Adv.
Ms. Manju Bala, Adv.

Mr. Aadil Singh Boparai, Adv.
Mr. Gulab Singh Baki Sidhu, Adv.
Mr. Abhishek Dubey, Adv.
Mr. Amarjeet Singh, AOR

Mr. Paras Nath Singh, AOR
Mr. Pardeep Kumar Rapria, Adv.
Mr. Rizwan Ahmed, Adv.
Mr. Shakeel Ahmed, Adv.
Mr. Neeleshwar Pavani, Adv.

Mr. Rahul Khurana, AOR

Mr. Gurminder Singh, Adv. Gen. (Sr. Adv.)
Mr. Gaurav Dhamma, A.A.G.
Mr. Vivek Jain, D.A.G.
Mr. Siddhant Sharma, AOR

Mr. Vasu Ranjan Shandilya, Adv.
Mr. Tushar Manohar Khairnar, AOR

Mr. Kailash Prashad Pandey, AOR
Mr. Amit Kumar Chawla, Adv.
Mr. Hitsesh Kumar Sharma, Adv.
Mr. S.K Rajora, Adv.
Mr. Varun Varma, Adv.
Mr. Akhileshwar Jha, Adv.
Mr. Shubham Rajhans, Adv.
Mr. Ishank Ranjan, Adv.
Ms. Manisha Chawla, Adv.
Mr. Mahi Pal Singh, Adv.
Mr. Prakhar Shukla, Adv.
Ms. Priyanka Thakur, Adv.
Ms. Charanjeet Sidhu, Adv.
Ms. Ritika Raj, Adv.

Ms. Ekta Kalia Arora, Adv.

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

1. On 18.12.2024, this Court passed the following order:

"1. In continuation of the order dated 13.11.2024, learned Advocate General for the State of Punjab submits that multiple meetings with Mr. Jagjit Singh Dallewal - the Punjab farmers leader, who is on fast-unto-death now for the last more than 20 days, as well as other farmers/their leaders at Khanauri Border, have been held and the Director General of Police and other senior officers of the State Government have participated in those discussion. He submits that efforts are going on to provide immediate requisite medical aid to Mr. Jagjit Singh Dallewal, keeping in view his age and the ailments he is suffering from. Learned Advocate General further submits that during interaction, the farmers are reported to have declined to interact with the High Powered Committee, constituted by this Court vide order dated 02.09.2024. He suggests that the farmers can be permitted to submit their demands/view points directly to this Court.

2. In this regard, we clarify that the Court's doors are always open and any suggestion/charter of demands by the farmers, directly or through their authorised representatives, can be brought on record, and it will be given due consideration along with discussions with all the stakeholders.

3. As regard to medical aid to Mr. Jagjit Singh Dallewal, learned Advocate General fairly submits that even as per the doctors, he is immediately required to be hospitalised. That being the medical condition, we direct the State Authorities to take all necessary steps and ensure that the medical aid of hospitalisation, as per the doctors advise, is provided to Mr. Jagjit Singh Dallewal, without any delay.

4. Post these matters for hearing on 19.12.2024.

5. To be taken up at 2.00 P.M."

2. In deference thereto, yesterday (i.e., 19.02.2024), some medical reports in relation to the health of Mr. Jagjit Singh Dallewal were produced before us, the relevant extracts whereof are

to the following effect:

- He was advised other blood investigations and ECG but he refused. Urine container was given for urine test but has not been received yet.
- Urine samples report which were taken on 15.12.24 shows ketones 3+.
- S. Creatinine-1.2 mg%, S. uric acid - 13, S. bilirubin - 1.5 mg%, SGOP - 35, SGPT - 14, S. Total protein - 6 gm% Serum electrolytes Sodium 135 mmol/I Potassium 3.2 mmol/I Chloride 100 mmol/I on 17.12.2024.
- Chest - clear, CVS - S1 S2 heard, abdomen - soft, muscle power overall reduced.
- He was advised IV fluid administration, but he refused to take IV fluids or any other medication.
- He was advised hospital admission today also as his condition seems to be deteriorating as is signalled by decreased urine output, rising uric acid levels, respiratory rate on slightly higher side, positive urine ketone as seen in last few days, he requires nutrition and fluids to prevent further deterioration of his health, but he has refused for treatment or admission in any form.

2. Medical Facilities available on site:- The Medical facilities available as per the report are as follows:-

- Two Advanced Life Support (ALS) ambulances are present on site 24x7. All the medicines and equipment required as per the guidelines of advanced life support care in an ambulance for eg. ECG monitor, Defibrillator, Ventilator, Suction machine, Oxygen with mask, Intravenous fluids, Respiratory intubation equipment, catheterization material are readily available and functional. All emergency medications especially of hypoglycemia, seizures, unconsciousness. Acidosis dehydration, hypertension, shock etc. are available in adequate quantity.
- One 108 Basic life support Ambulance with a Medical team is also stationed at Dabbi Gujran for providing medical facility in general public.
- A team of Doctors comprising of Medicine Specialist, Surgeon, Anaesthetist and Orthopaedician are on 24x7 duty for regular monitoring and treatment of S. Jagjeet Singh Dallewal. The duty roster of the doctors for the month of December 2024 has been prepared by Reajendra Medical College and Hospital, Patiala (Annexed herewith for reference).
- The doctors have been advised to examine the Patient twice a day or whenever required. The vital monitoring & Lab investigation of the patient are being done on daily basis and further

his medical examination reports and other lab reports including blood and urine examination reports are prepared each day and discussed for further course of management everyday in a meeting of committee comprising of Director Health Services, Director Research and Medical Education, Civil surgeon Patiala. HODs of Department of Cardiologist, Anaesthesia and Medicine.

(Remarks - Many times in a day Patient refuses to give his samples for lab investigation and even does not allow his medical examination, however, team of doctors are trying their best to counsel and persuade him for examination and treatment and also waits there till he gives his consent for the same)

- Note: S. Jagjeet Singh Dallewal urgently needs IV fluids and nutrition. He is continuously refusing Intravenous fluids & nutrition and if he refuses further, his condition is likely to deteriorate.

3. On site Make Shift Hospital:- A temporary hospital (make shift arrangement) has been setup in one of the rooms in nearby Haveli restaurant (Report from district, List of equipment & Photographs annexed as Annexure B). Round the clock team of medical experts have been deployed."

3. Since the reports indicated that the health condition of Mr. Jagjit Singh Dallewal was deteriorating and he was advised hospitalization and it being the Constitutional duty and responsibility of the State of Punjab to ensure that no harm is caused to the life of Mr. Dallewal, the matter was kept for today with a direction to the State Administration to take necessary steps and ensure adequate medical aid, including hospitalization as per the doctors' advise, to be provided to Mr. Dallewal without any delay.

4. In deference thereto and during the course of hearing yesterday and today before lunch, a status report by way of an affidavit has been filed by the Chief Secretary, Punjab. Paragraphs

4 and 5 whereof are to the following effect:

"4. That perusal of the medical report of Mr. Jagjit Singh Dallewal shows that at the time of medical checkup he was alert, oriented to surroundings and most of his vital parameters are stable at present. He is drinking 2-2.5 litres of plain warm water a day. Examination of his CVS, respiratory system and abdomen was unremarkable. He was moving all limbs suggesting an intact central nervous system. As reported to the deponent, Mr. Dallewal has agreed to increase his fluid intake but has refused to chew glucose tablets and drink ORS.

5. That as warranted by the medical condition of Mr. Jagjit Singh Dallewal, he will be provided medical aid at the site or at the Make Shift Hospital (Temporary Hospital) located at a distance of just 700 Meters. As per the advice of Medical Experts attending upon him, the transfer of Mr. Jagjit Singh Dallewal has to be undertaken after evaluation of his medical condition for moving him and that to in a very careful manner. The advice of medical experts has been taken regarding shifting him to which it has been opined that any trauma owing to physical resistance to his transfer, is likely to have adverse medical outcome as he may not tolerate physical stress or trauma and may cause deterioration of his health."

5. In addition thereto, in the pre-lunch session today, a report dated 20.12.2024, given by the Department of Health and Family Welfare, Government of Punjab, has also been produced, in which there is a reference to the reports of the blood samples and the ECG.

6. We have already clarified in no uncertain terms in the previous orders that it is entirely the responsibility of the State of Punjab to ensure stable health condition of Mr. Jagjit Singh Dallewal, for which if he requires hospitalization, the authorities must ensure to do so. The State Government, therefore, will take a call as to whether Mr. Dallewal can be shifted to the makeshift hospital (temporary hospital, which is said to have been set up at

a distance of 700 meters from the site) or to any other well equipped Hospital. A fresh medical report about the stability of the health of Mr. Jagjit Singh Dallewal, along with the necessary steps taken meanwhile to prevent any irreversible damage to his health, shall be filed by the Chief Secretary, Punjab as well as the Chairperson of the Medical Board constituted to monitor the health condition of Mr. Dallewal.

7. The efforts already indicated in our previous orders, including to defuse the situation at the spot, shall continue to be made, and the compliance report will explicitly explain the steps taken in this regard.

8. Post the matters on 02.01.2025.

9. If any necessity arises to approach this Court during the *interregnum*, liberty is granted to all concerned.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR