

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

PIL No.26/2018

White Globe, A Registered Trust Through its
Chairman, Shoaib Iqbal Qureshi, S/o Mohammad
Iqbal Qureshi, R/o Ovais Karni Colony, Mughal Road,
Naseem Bagh, Srinagar.

...Petitioner(s).

Through: None.

Vs.

1. State of Jammu & Kashmir through its Chief Secretary, Civil Secretariat, Srinagar/ Jammu.
2. Commissioner Secretary, Home Department, Civil Secretariat, Srinagar/ Jammu.
3. Commissioner Secretary, Department of Health and Medical Education, Civil Secretariat, Srinagar/ Jammu.
4. Commissioner/ Secretary, Department of Transport, Civil Secretariat, Srinagar/ Jammu.
5. Director General of Police J&K, Jammu/ Srinagar.
6. IGP Traffic Jammu/ Srinagar.
7. Director, Health Services Kashmir Srinagar.
8. Commissioner Transport Department Srinagar/ Jammu.
9. Director Health Service Jammu.
10. Director, Sher-i-Kashmir Institute of Medical Sciences, Soura, Srinagar.
11. Principal Government Medical College, Srinagar.
12. Principal Govt. Medical College, Jammu.

....Respondent(s)

Through: Mr. Mohsin S. Qadiri, Sr. AAG, with
Ms. Maha Majeed, Assisting Counsel.
Mr. Illyas Nazir Laway, GA.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER

23.10.2024

01. The Petitioner-White Globe being a registered trust has filed this writ petition in the Public Interest seeking a writ of mandamus directing the respondents to formulate a Comprehensive Standard Operating Procedure within themselves for the purposes of hassle free movement of patient care ambulances in the time of need and while transporting the patients to and fro to the hospitals with a further direction seeking implementation of the traffic advisory issued by the Traffic Police Department.

02. During the pendency of the proceedings, this Court vide order dated 26.04.2023, appointed the Divisional Commissioner Kashmir, as Nodal Officer and he was directed to file a comprehensive affidavit based on the inputs received from the departments/ respondents in the matter so as to maintain unanimity and consistency in the stand taken by the respondents.

03. The Divisional Commissioner Kashmir, accordingly, on the basis of the inputs received from various departments including the office of the Mission Director, National Health Mission (NHM), J&K; Director Health Services Kashmir; and Regional Transport Officer, Kashmir, filed a comprehensive affidavit dated 22nd February, 2024, before this Court. It is stated that on the basis of the report of the Mission Director, the National Health Mission, J&K, has undertaken an initiative of J&K Emergency Medical Services (JKEMS) under Public Private Partnership (PPP Mode) since 24th March, 2020 with BVG India Pvt. Limited and brief details of the services provided by the J&K Emergency Services have also been given in the affidavit. It is further submitted that, as per the report of the Directorate of Health Services, Kashmir, as of now the Directorate is providing services of 71 No. of Advanced Life Support Ambulances (ALS) and that the fleet of Emergency Medical Services (EMS) comprising of 64 ALS (Advanced Life Support) and 31 Basic Life

Support (BLS) Ambulances are fully equipped with the Life Equipment and Drugs as per the National Ambulance Code and its services can be availed by the general public through 108 Toll Free number and the said fleet is GPS enabled. The Divisional Distribution of the fleet is designed to reach the place of emergency within 20 minutes for Urban Area and 30 minutes for rural areas.

04. It has further been reported that the old ambulances which have exhausted their useful life are removed from the Active Ambulance Fleet and a large number of such vehicles stand already put to auction as well. It is also stated in the affidavit that the Motor Vehicles Department issues/ renews certificates of fitness of Ambulances only after satisfying fully that the vehicle is compliant with the AIR-125 (National Ambulance Code) and ambulances not meeting the National Ambulance Code are denied fitness.

05. Further, it is stated that in order to ensure hassle free movement of ambulances, the information of movement of emergency cases and inter district referral cases is shared with the Traffic Department. Further, it has been averred that the Srinagar Traffic Police Office has also established a dedicated (24x7) Control Room wherein citizens can get real time assistance with regard to traffic.

06. The petitioner has placed on record a copy of the order issued by the Sr. Superintendent of Police, Traffic, City Srinagar, in November, 2015, under the titled "*Standing Operating Procedure for free passage to ambulances*" in order to ensure free movement of ambulances in City Srinagar.

07. After going through the statements made in the affidavit (supra) by the Divisional Commissioner, Kashmir, we are of the opinion that most of the departments have already taken note of the grievances putforth before this Court in the present Public Interest Litigation and have taken appropriate actions to redress the same. Accordingly, there is no need to keep the present petition pending and the same is disposed of by directing the Chief Secretaries and DGPs of both the Union Territories i.e. UT of Jammu & Kashmir and the UT of Ladakh, to develop a mechanism, in

consultation with the Health Department, aimed at hassle free movement of the ambulances in both the Union Territories while keeping in view the order of the Sr. Supdt. Of Police, Traffic, City Srinagar (supra).

08. The petition is disposed of accordingly. Registry to communicate the order to the concerned.

(PUNEET GUPTA)
JUDGE

(TASHI RABSTAN)
CHIEF JUSTICE

Srinagar
23.10.2024
Abdul Qayoom, Secy.

