

09.05.2024
Item Nos.28-30
gd/ssd

WPA(P)/20/2020
CAN/1/2023, CAN/2/2023
MUSCULAR DYSTROPHY PATIENT
WELFARE SOCIETY & ANR.
VS
MINISTRY OF HEALTH & FAMILY WELFARE,
GOVERNMENT OF INDIA & ORS.
with
WPA/6300/2023
YUVAAN SINGH & ORS.
VS
UNION OF INDIA & ORS.
with
WPA(P)/9/2023
PARIVAAR BENGAL & ANR.
VS
STATE OF WEST BENGAL & ORS.

Ms. Nandini Mitra,
Mr. Samim Ahammed,
Ms. Saloni Bhattacharya,
Ms. Gulsanwara Pervin,
Mr. Arka Ranjan Bhattacharya,
Ms. Ambiya Khatoun
..for the Petitioners in
WPA(P) 20 of 2020.

Mr. Biswaroop Bhattacharjee,
Mr. Siddhartha Sankar Mandal,
Ms. Arunima Das Sharma
..for the Petitioners in
WPA 6300 of 2023.

Mr. Kaushik Gupta,
Ms. Srimoyee Mukherjee
..for the Petitioners in
WPA(P) 9 of 2023.

Mr. Asok Kumar Chakraborti,
Id. Additional Solicitor General,
Mr. Tirtha Pati Acharya,
Mr. Arijit Majumdar
..for the Union of India.

Mr. Kishore Dutta, Id. Advocate General,
Md. T.M. Siddiqui,
Mr. Suddhadev Adak
..for the State in
WPA(P) 20 of 2020 and

WPA(P) 9 of 2023.

Mr. Tapan Kumar Mukherjee,
Mr. Somnath Naskar,
Ms. Debdooti Dutta
..for the State in
WPA 6300 of 2023.

1. Reference may be made to the order dated 02.05.2024.

2. Mr. V. Singhal, Director, Department of Empowerment of Persons with Disabilities, Government of India, New Delhi and Dr. Debasish Halder, Joint Director of Health Services, Health and Family Welfare Department, Government of West Bengal have participated in the hearing today through the virtual mode.

3. The court records their appreciation that the officers have joined the proceedings today.

4. It has been brought to the notice of the court that a detailed demonstration will be given by the Team of Officers from the Government of India through online on a date and time that may be fixed by the Joint Director of Health Services, Government of West Bengal.

5. It is preferable that the programme of the online demonstration as to how the UDID cards have to be downloaded can be held at the Centre of Excellence, SSKM Hospital on a date it will be convenient to the stakeholders. In consultation with the stakeholders the

Joint Director of Health Services, Government of West Bengal shall fix a date and time and give appropriate intimation to the Government of India for conducting the demonstration online. The programme can be recorded and replayed as and when required by the Centre of Excellence.

6. It is preferable that such programme may be organized during the second week of June, 2024 subject to the convenience of all concerned.

7. The next aspect which was highlighted in the order dated 02.05.2024 is with regard to providing weighing machines which will enable measurements of the weight of the patients suffering from rare diseases who are unable to stand, to be taken in a sitting posture.

8. The learned Advocate General submitted that orders have already been placed for such weighing machines and it will be installed at the earliest.

9. The said submission is placed on record.

10. The next aspect is regarding deputing Clinical Psychologist in the clinic which is conducted every Wednesday.

11. The learned Advocate General, on written instructions from the Director, Institute of Psychiatry – COE, Kolkata dated 07.05.2024, submitted that for the month of May, 2024 one Clinical Psychologist in the Cadre of Associate Professor has been nominated.

Similarly, for the month of June, 2024 and for the month of July, 2024 two Clinical Psychologists in the Cadre of Assistant Professor have been nominated.

12. While appreciating the steps taken by the Director, Institute of Psychiatry, Centre Of Excellence, this arrangement can be a permanent feature so as to assist the patients suffering from rare diseases.

13. The next aspect which was noted in the order dated 02.05.2024 is with regard to inviting contributions for the treatment of the patients suffering from rare diseases.

14. The court took note of the suggestion that various Chambers of Commerce are actively carrying on activities in the State of West Bengal and if they are put on notice, their views and suggestions can be invited as to whether their Members who are Corporate Houses in the State of West Bengal can consider and donate a portion of the CSR exclusively for treatment of the patients suffering from rare diseases in the State of West Bengal.

15. The learned advocate for the petitioners has given a list of Chambers of Commerce who are carrying on their activities in the State of West Bengal in order to invite them to give their views and suggestions. We deem it appropriate that notices can be sent to all the Chambers of Commerce, namely, (1) The Bengal Chamber of Commerce and Industry, Royal

Exchange Building, 6, Netali Subhas Road, Murgighata, B.B.D. Bagh, Kolkata, West Bengal 700001, 033 2230 3733; (2) Calcutta Chamber of Commerce, Stephen Court, 18-H, Mother Teresa Sarani, Park Street Area, Kolkata, West Bengal 700071, 033 2229 0758; (3) Indian Chamber of Commerce, ICC Towers, 4, India Exchange Pl Rd, Murgighata, B.B.D. Bagh, Kolkata, West Bengal 700001, 033 2253 4200; (4) Bharat Chamber of Commerce, 7 Point, 9/1, Syed Amir Ali Ave, beside Zeeshan Restaurant, Park Circus, Ballygunge, Kolkata, West Bengal 700017, 033 2282 9591; (5) Merchants' Chamber of Commerce & Industry (MCCI) 2nd floor, Octavius Chamber, 15-B, Hemanta Basu Sarani, Kolkata, West Bengal 700001; and (6) Bengal National Chamber of Commerce & Industry, 23, RN Mukherjee Rd, Esplanade, Lal Bazar, Kolkata, West Bengal 700001, 033 2248 2951.

16. The Registry is directed to send notices to all the abovementioned Chambers of Commerce informing them that the court requests them to give their views and suggestions as to whether their Members who are Corporate Houses are willing to contribute a portion of their CSR exclusively for treatment of the patients suffering from rare diseases in the State of West Bengal.

17. Upon notice being served and after hearing the respective Chambers of Commerce, the court will take further decision in these matters.

18. Let notices be sent to the Chambers of Commerce mentioned above at the earliest by the Registry along with the copy of this order and the order dated 02.05.2024.

19. List these matters on 11th July, 2024.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)