



\$~ 10(SDB) & 11(SDB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 24th December, 2024

+ **W.P.(C) 3903/2017 & CM APPLs. 18718/2017, 19134/2017,
27526/2018**

COURT ON ITS OWN MOTION

.....Petitioner

Through:

versus

UNION OF INDIA & ORS.

.....Respondents

Through:

Mr. Rahul Mehra, Sr. Adv., with Mr. Udit Malik ASC GNCTD, Mr. Vishal Chanda & Ms. Rima Rao, Advs. (M: 9811981128)

Mr. Kapil Dutta, & Mr. Vansh Luthra, Advs. for MCD. (M: 9582997768)

Ms. Arunima Dwivedi, CGSC with Ms. Pinky Pawar, Adv. for UOI. (M: 8448438901)

Mr. Amit Tiwari, CGSC for UOI with Mr. Ayush Tanwar, Adv. for UOI. (M: 9333540002)

Mr. Ravinder Agarwal, Mr. Lekh Raj Singh and Mr. Manish Kumar Singh, Adv. for R-6/UPSC. (M: 9810056263)

Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs.

Mr. Vishwajeet Singh Advocate for Mr. Siddharth Aggarwal Senior Adv.

Mr Ravindra Kumar and Mr N Sri Nivas, Advs. for NIC.

Mr. Tushar Sannu, with Mr. Karan Chaudhary, Advs for GNCTD.

2 AND

+ **W.P.(C) 8548/2017 & CM APPL. 985/2024, 50101/2024**

COURT ON ITS OWN MOTION

.....Petitioner

Through:

Mr. Ashok Agarwal, Mr. Kumar Utkarsh, Mr. Manoj Kumar and Ms.



Ashna Khan, Advs. Amicus Curiae.
(M: 9811101923)

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Mr. Amit Tiwari, CGSC for UOI with Mr. Ayush Tanwar, Adv. for UOI. (M: 9333540002)
Mr. Siddharth Panda & Mr. Ritank Kumar, Advs. for Dr. Sarin Committee. (M: 9891488088)
Mr. Ravinder Agarwal, Mr. Lekh Raj Singh and Mr. Manish Kumar Singh, Adv. for R-6/UPSC.
Mr. V.S.R. Krishna and V Shashank Kumar, Advs. for AIIMS.
Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advs.
Mr. Tushar Sannu, with Mr. Karan Chaudhary, Advs for GNCTD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.

Implementation of PM-ABHIM Scheme

2. On the last date of hearing *i.e.*, 12th December, 2024 this Court perused



the report of the Director AIIMS dated 10th December, 2024. On a perusal of the same, it was observed that the PM-ABHIM Scheme is being implemented only for diagnostic labs at the Indira Gandhi Hospital on a pilot basis. Further, the Court perused the letter dated 3rd December, 2024 which clearly revealed that the Delhi State Health Mission and the Mission Director National Health Mission are in talks with each other regarding the implementation of the PM-ABHIM Scheme in Delhi. Accordingly, the Court on 12th December, 2024 directed as under:

“26. In view thereof, let a meeting be held in the office of the Director National Health Mission, which would be attended by the officials of the Delhi State Health Mission. The meeting shall focus on the manner in which the PM-ABHIM Scheme is to be implemented in Delhi and the minutes of the same shall be placed before the Court by the next date of hearing. The meeting shall be held on 16th December, 2024 at 3:00 pm in which the respective officials shall participate. The said meeting can be attended by Mr. Rishikesh Kumar, ld. ASC, Delhi in place of Mr. Satyakam, ld. Counsel.”

3. Pursuant to the directions passed on 12th December, 2024, on behalf of Mrs. Ahlawat, ld. Counsel appearing for the Health Department, GNCTD, the minutes of the meeting dated 18th December, 2024 have been handed across to the Court. The following members had attended the meeting:

1. Joint Secretary (Policy), NHM, MoHFW, Govt. of India
2. Spl. Secy, H&FW, GNCTD/Mission Director, DSHM
3. Dy. Secretary (NHM-IV), MoHFW, Govt. of India
4. State Program Officer, DSHM
5. Mr. Rishikesh Kumar, Addl. Standing Counsel, Delhi
6. Mr. Udit Malik, Addl Standing Counsel, Delhi



7. *Sr. Consultant, NHM, MoHFW, Govt. of India*
8. *State Program Manager, DSHM*
4. The minutes of the said meeting record as under:

“Dy. Secretary (NHM-IV) suggested to adopt the PM ABHIM Central Sponsored Scheme components in entirety and scheme period is about to end. Also, considering that the scheme is in penultimate year of the scheme period and components are related to Infrastructure development, there is a long gestation period for completion of projects. Further, if Delhi doesn't implement the scheme, the funds provisioned to Delhi will be allocated to other States implementing the scheme.

Addl. Standing Counsel, GNCTD suggested if PM-ABHIM funds could be used to develop infrastructure in Green field and brown field hospitals of Delhi which were waiting to be inaugurated because of paucity of funds.

To this, Joint Secretary (Policy), MOHFW informed that same should be avoided since the scheme is for developing Pandemic Resilient Infrastructure counteract future pandemic scenarios.

Further, it was suggested that a Memorandum of Understanding (MoU) may be signed between Ministry of Health & Family Welfare, Govt. of India and Department of Health & Family Welfare, Govt. of NCT of Delhi towards implementation of PM-ABHIM. However, decision regarding modality and process of implementation may be taken by Govt. of Delhi.

Therefore, a signed Memorandum of Understanding (MoU) may be shared with Ministry of Health & Family Welfare, Govt. of India for consideration. All the other States/UTs have signed the MoU and are implementing



the scheme.”

5. Mr. Udit Malik, Id. ASC, upon being queried, submits that the statement recorded in the minutes attributed to him is not in the nature of objection. It was only a suggestion.

6. Mr. Sameer Vashisht, Id. Counsel submits that the file has been approved by the health department and has been put up before the concerned Minister, GNCTD.

7. The clear position that emerges from the above minutes is that the PM-ABHIM scheme would have to be implemented in its entirety in order to ensure that the residents of Delhi are not deprived of the funds and all the facilities under the said scheme. Clearly, the funds of one Scheme cannot be sought to be released for some other projects, as is being sought to be asserted. The non-implementation of the PM-ABHIM Scheme in Delhi, when 33 States and UTs have already implemented the same, would not be justified. For the said purpose, therefore, since the Memorandum of Understanding (*MoU*) has to be signed between the Ministry of Health and Family Welfare, Government of India and the GNCTD, let the said MoU be signed by 5th January, 2025.

8. This MoU shall be signed irrespective of a Model code of conduct, if any, as the same has been monitored by this Court and is for the benefit of citizens of Delhi. The said MoU be placed before this Court on the next date of hearing.

Health Management Information System (HMIS)

9. The Dr. Sarin Committee and the AIIMS's minutes of meeting dated 9th December, 2024 has recommended creation of a Health Management Information System (HMIS) for Delhi.



10. However, the Court observes that in respect of setting up of the said system, there is a two-way opinion being expressed before the Court. One by the Health Department of GNCTD and secondly, by the office of the concerned Minister. The Director, AIIMS has already preferred engaging the National Informatics Centre ('NIC') for setting up the HMIS.

11. Mr. Rahul Mehra, ld. Senior Counsel submits that he may be heard in this regard, before any order is passed.

12. For the said purpose, list on 13th January, 2025.

13. In any event, by the said date, both the NIC and C-DAC shall place their respective representations in respect of HMIS for consideration. The representations shall be handed over in a Power Point Presentation format in one pen drive to the Court Master by 10th January, 2025.

PRATHIBA M. SINGH
JUDGE

MANMEET PRITAM SINGH ARORA
JUDGE

DECEMBER 24, 2024/dk/rks