



Shri Vile Parle Kelavani Mandal's  
**JITENDRA CHAUHAN COLLEGE OF LAW**



# LAW TRYST 2025

**The Anatomy of Justice:  
Dissecting Medico- Legal Dilemmas**

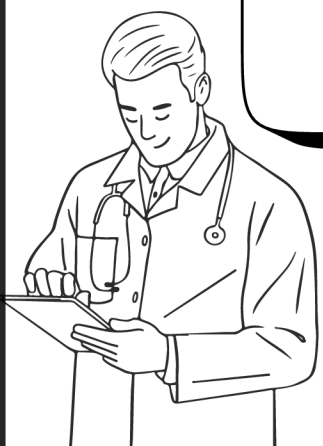
*PRESENTS*

## **INTER-COLLEGIATE MOOT COURT COMPETITION**



**PROPOSITION**

**7th, 8th & 9th  
March, 2025**



# MOOT PROPOSITION

## **National Human Rights Commission v. SMRI Hospital (R1) and State of Mahapradesh and Ors. (R2)**

1. In the eastern suburbs of the city of Mumba, Mahapradesh, Indica, lies SMRI Hospital (hereinafter referred to as “the Hospital”). The Hospital is established and run by Brihanmumba Municipal Corporation, (hereinafter referred to as “BMC”) which has multiple multi-specialty hospitals and medical colleges across the State of Mahapradesh. The Hospital is reputed as one of the top clinical establishments. The Hospital complex consists of eight floors which includes an Emergency Department, Intensive Care Unit, multi-speciality departments, General Ward and other departments.

2. On 6th July, 2024, at 1:00 AM, a fire broke out in the Emergency Ward, which was located on the ground floor of the Hospital. The ensuing stampede, which occurred in the connecting corridors and staircases, tragically resulted in the loss of 30 lives and left approximately 50 individuals critically injured.

3. The fire was reported to the Fire Department which acted immediately by dispatching 3 fire trucks and 20 firefighters. The Fire Department was able to extinguish the fire, containing it to the Ground Floor at about 5:00 AM. Patients of unaffected wards of the Hospital were swiftly transferred to a nearby hospital as a precautionary measure barring the patients requiring continuous intensive care, such as ones admitted in the Intensive Care Unit (I.C.U.) and the Neonatal Intensive Care Unit (N.I.C.U.) – both located on the fourth floor – who continued undergoing treatment until their condition stabilized.

4. The dawn of 6th July, 2024 saw the city waking up to a massive shock as the news of the incident spread across various media. All leading newspapers reported the incident, raising the concern of public safety in Government Hospitals.

5. Further, some news reports alleged that there were 'inflammable materials' stored illegally in the basement of the Hospital which could have been the cause of fire.

6. The reports, relying upon statements made by the survivors and eyewitnesses, criticized the hospital staff for their lethargic response and lack of preparedness in evacuating the crowded building. The family of some patients also alleged that the fire alarms didn't work when the fire occurred.

7. The 'National Human Rights Commission (hereinafter referred to as the NHRC)', taking *suo moto cognizance* under section 12(a) of 'The Protection of Human Rights Act, 1993', issued a notice dated 8th July, 2024 to the Chief Secretary of the state of Maharashtra, Director General of Police, Brihanmumbai Municipal Corporation (BMC), Directorate of Fire Department, State Health Department, State Disaster Management and State Electricity Department (hereinafter collectively referred to as "State Authorities") to submit the 'Investigation Report' and the 'Action Taken Report' - stating the actions taken by the Government of Maharashtra (hereinafter referred to as 'State Government') in response to the fire incident.

8. Pursuant to the notice, a reply dated 15th July, 2024 issued by the Chief Secretary of the State of Maharashtra, as stated the following actions were taken by the State Government in pursuant to the recommendations submitted by the State Authorities after the completion of investigation:

- An FIR under section 3(5), 106(1), 125, 287 of Bhartiya Nyaya Sanhita, 2023 has been filed against the members of management of the Hospital. The Preliminary Investigation carried out on site post fire incident indicating the possible cause of fire was due to a short circuit since the Hospital had recently carried out certain electrical work to facilitate the building.

- It was subsequently revealed through the investigation that a child fiddled with an open electrical wiring (located near the hospital staircase) which led to a short-circuit in the electrical panel board (a Sub-distribution Board which distributed power within the basement area) kept in the basement. The medical waste and chemicals kept in the basement had intensified the fire.
- The investigating officer also stated that the fire safety equipment was in working condition. Moreover, it was clarified that the fire NOC issued by the Fire Department was expiring on 31st July, 2024. It was also stated that an inspection was conducted by the Fire Department in the month of February, 2024 which included the checking of fire safety measures followed by a mock drill of a fire accident.
- The BMC ordered the hospital to temporarily cease medical activities until the repair of the hospital.
- The Hospital was admitting the patients beyond its capacity due to a bus accident that happened in the nearby area leading to the difficulties in evacuating the hospital premises.
- The State Government of Maharashtra announced to provide a compensation of Rs. 4,00,000 for those injured and Rs. 10,00,000 for the kin of those who lost their lives to the incident.

9. In the meantime, an old news article dated 20th September, 2021 had gone viral. The article was published by a renowned writer Mr. Adhir Sharma of the newspaper 'The Indian Times' titled '*Right To Medical Assistance: Biased or Unbiased?*' indicating the Hospital's denial in the admission of COVID-19 patients. The news article claimed that one part of the Emergency Ward was provided to Politicians and their family members while underprivileged patients were denied, stating that the Hospital cannot take patients beyond its capacity. The news article further claimed that no actions were taken by the BMC against the Hospital.

10. The Hospital faced widespread public criticism, negative sentiments going viral on social media platforms and public outrage raising questions as to how Government authorised clinical establishments could have such an abject lack of care and responsibility towards human life.

11. Taking notice of the investigation report , the NHRC further issued a notice, dated 23rd July, 2024 to express dissatisfaction over the actions taken by the State Government and advised to implement the recommendation given in the said advisory and send an ‘Action Taken report’ within one week. The advisory recommended that the State Government should endeavor:

- To file an FIR under section 3(5), 61,105,115,118 of Bhartiya Nyaya Sanhita, 2023, followed by the arrest against the members of the Hospital’s management.
- To proceed for the cancellation of registration of the Hospital as per section 32 of the Clinical Establishments (Registration and Regulation) Act, 2010.
- To provide a compensation of Rs. 10,00,000 for those injured and Rs. 20,00,000 for the kin of those who lost their lives in the incident.

12. Pursuant to the notice dated 23rd July, 2024, The Chief Secretary of the State of Mahapradesh replied dated 1st August, 2024 refusing to implement NHRC’s recommendations stating that the actions taken by the State Government was appropriate and justified.

13. The NHRC filed a writ petition on the grounds challenging that the Hospital infringed the resident’s Right to Health and asserted that the actions taken by the State Government were primarily aimed at preserving the image of the Hospital and the BMC. The NHRC, also asserted that the State Government’s refusal to implement the advisory’s recommendations is not a rational decision.

14. The Writ Petition lies before the Judicature of High Court at Mumba.

## ISSUES

- I. Whether the writ petition filed by the NHRC is maintainable in the High Court of Mumbai?
- II. Whether there was direct negligence on the part of the SMRI Hospital which was the proximate cause for the fire accident?
- III. Whether the SMRI Hospital is justified in admitting patients beyond its capacity to provide emergency medical aid superseding the concern of safety?

## NOTE

- The Law of India and State of Maharashtra is *pari materia* to the Law of India and State of Maharashtra.
- The participants are free to club or add any issue(s) which they may deem fit in addition to the above-mentioned issues. It is however to be noted that the above issues need to be compulsorily addressed.

## DISCLAIMER

The Moot Court Proposition is purely hypothetical and for educational purposes and neither intends nor attempts to resemble any incident or any person living or dead. All materials in the problem are fictitious and do not intend to or attempt to hurt the feelings of any community or religion. Any resemblance to any incident or person is not intended but merely a coincidence.