

OXYGEN CRISIS AND LAW

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ABSTRACT

The research paper talks about the ongoing fight in this world and the country which is due to lack of oxygen. The paper also focuses on the reasons and the situations that lead to such level of devastation which has been caused due to oxygen crisis as the crisis has led everyone of us to see the real mirror that was in front of us but we were not able to look into it. Also the light has been thrown upon the solutions that can be taken and the recent steps and developments done by the government to overcome such a crisis and to save their people. The aim of the paper is to make people aware about their responsibilities towards the country and what all measures can be taken so that upcoming crisis or such kind of pandemic can be avoided and the paper also explores the sector of the law that what all laws have been made by the state in the past and also the laws that are being made in the current time that is at the time of crisis to tackle the situation and what all help that specific laws are providing to get justice to the people and the impact of judgements by our honorable courts.

Keywords :Oxygen, oxygen crisis, government, law, state, judgements, Courts.

INTRODUCTION

People say that you cannot live without love but that this pandemic has taught us that oxygen is much more important to live than love. The oxygen crisis in India is so rapid that the pressure has shocked everyone in the country. The second wave hit the country hard and spread rapidly. Oxygen is one of the most important gases in the atmosphere as it is important for all living things to survive, especially in the medical field but the current lack of oxygen seems to be inconsistent with this statement. Medical oxygen is one of the most important means of intervening in a balanced and complex case and without its patients can be trapped and die. The reason is not the lack of medical oxygen but the inadequacy of the tank distribution network to

transport liquid oxygen from the point of production, to hospitals. Larger hospitals are often provided with oxygen directly through manufacturers using tanks to deliver oxygen. At present, medium and small hospitals rely heavily on mediators. The country has been in such dire straits for the past 6 months that many people have lost loved ones due to the lack of oxygen. The pandemic has taught us that neglect in the name of hospitals and governments can be at an unbearable level of loss. We are all still struggling to understand whether it is just a nation without oxygen or just a failed system and an indifferent card played well by the government.

REASONS FOR THE EMERGENCE OF CRISIS

- 1. Lack of tanks and cylinders:** The country lacks tanks and oxygen pipes around it as they are limited in quantity. Patients desperately needed oxygen throughout the country but the government had not given up on the fact that refilling the cylinders and bringing them to their destination is a very bad bottle. The Department of Health was not in a position to address the problem and as a result the country became a graveyard and had to face the situation which we were not capable of.
- 2. Oxygen storage capacity in major hospitals:** Major hospitals with big names in the country have not been able to deal with the problem of storing and delivering oxygen to their patients. These hospitals were in dire need of full oxygen but could not satisfy the need. People's expectation with these hospitals that they will be able to save their own by getting into the hospitals was not fulfilled.
- 3. Oxygen-exported goods will be confiscated:** Details of the oxygen delivery by the government reveals a hidden truth from past many days which was unaware by the people of the country. According to the Department of Commerce, the country has not yet returned to foreign aid but is short of enough to help its people as the country has sent twice as much air to the world in the first 10 months compared to the previous financial year.
- 4. Unequal distribution of the fast cover:** Covid 19 has come before us as a challenge but the question is whether we have succeeded in overcoming such a challenge or not and I think the answer is known to most of us or in fact all of us. The main reason for such failures is the uneven distribution of covid bursts. Unequal distribution has created a queue among

the due to which people are suffering at large. The effect of this uneven distribution is evidently visible by the deaths of the people.

- 5. Lack of special incentives from the government:** Even in times of crisis the government has not been able to help the people of this country. No special effort has been made by the government to provide support to oxygen producers by providing incentives for product development through increased investment. On the contrary, it is often the most sought-after goat for a wide range of problems.
- 6. Organizational delays:** One year ago, the country saw the real state of government work and their assistance when they needed their representatives the most. Thousands of oxygen concentrators were not specified in the customs offices due to problems related to paper work. The red tape does not seem to sit in the back seat even though there is this problem that has never been seen before. The hands of an official are painted with the blood of many people who have lost their lives due to lack of proper oxygen.
- 7. Plant production range:** Most LMO plants are located to the east, leading to long-distance transport and conversion time of at least 6-7 days in each tank. Add to this the problem of the sections holding the tanks on the way. This caused great outcry in the community and led to the taking of many lives.
- 8. Leaks and unreasonable use:** Over the past few decades our country has seen a dramatic increase in oxygen consumption. The most important demand for oxygen is needed in the steel and steel industry that requires at least 80% oxygen. In the past, the health department has repeatedly required hospitals to reduce waste and unnecessary air use with hospitals. Industry experts also raised concerns about possible leaks and oxygen pipes in hospitals.
- 9. Black marketing:** One of the worst things the public has experienced in this pandemic is black marketing. People have sought their own benefits rather than showing humanity which has led to an increase in the price of drugs and injections that can be used to save lives during the pandemic. These devils have shown their true colors by putting their own interest as priority over saving the life of others.
- 10. Business thinking mindset of hospitals:** The country has faced a number of cases which clearly indicate that hospitals prefer to make more money than to save the lives of the

country's citizens. The high debts incurred by hospitals have made people think about their health just as the poor cannot afford to pay such bills. The pandemic is more like a medical department business than a problem.

11. **Intergovernmental Relations:** One of the most important issues we have encountered is the lack of communication between institution and state. There are many indications that the institution is not yet ready to provide assistance and the provinces are not yet ready to deal with the institution's decisions and as a result great suffering to the people of the country.
12. **Navigation barriers:** When oxygen is transported from one state to another it takes a lot of time. If the hospital is too small or too far away, the longer it takes for oxygen to get there. Small suppliers also complain that they do not have enough jumbo and seating lumps to keep the flow steady. Increased travel and maintenance costs have increased the cost of filling cylinders.

REMEDIES AND SOLUTIONS

1. **Setting up PSA plants:** Control existing oxygen supply by placing PSA oxygen plants on the battlefield. These plants help to draw oxygen directly into the atmosphere and thus can directly add the harvested gas to hospitals. Like a typical PSA plant, it can produce 360 liters of oxygen per minute. These plants are grown for a long time.
2. **Oxygen stored too much is oxygen produced too much:** Medical experts say that plant specialists should be brought in as they will help guide medical personnel on how to use plants. There is significant wastage and damage of the oxygen as hospital officials are not accustomed to using equipment. They will also provide some alternative remedy solutions that when in a situation you are out of oxygen then what steps can be taken and also it will help in saving a lot of oxygen.
3. **Building of oxygen storage facilities in major hospitals:** As the country has not been able to deal with such a problem and as a result we have suffered greatly. To maintain this the idea is that the hospitals should have a large final capacity that converts oxygen to liquid into a gas that can be pumped through hospital pipes through pipelines

and thus such storage tanks or plants must be made that should be big enough to store a huge amount of oxygen.

- 4. Degree of oxygen used in industry for medical purposes:**As mentioned earlier, the use of oxygen is much needed by our country in the industrial sector, especially iron and steel. Therefore, one thing that can be done is to divert the supply of oxygen to health care, which can prove to be a lifesaver for many.
- 5. Low availability and high demand:**The biggest problem in our country is that our oxygen demand was high as according to the statistics of people in 3 out of 10 patients needed urgent oxygen. So here the state should provide more oxygen tanks in all hospitals and propose a campaign to get details of how many specific tanks are needed in a particular hospital to avoid a problem.
- 6. Easy transportation :**The state should ensure free and easy transportation of oxygen supply as there is a sudden increase in freight and freight. When oxygen is transported from one state to another it takes about 6-8 days to take human life. Transportation should be made cheaper or more comfortable and faster and more accessible as the country has also proven how the cost of an ambulance was charged in just a short distance.
- 7. Expansion of the oxygen-producing medical capacity:** It is true that if we all join hands then only we will be able to overcome the pandemic and that is what expansion can do. We can take advantage of small-scale products that can produce medical oxygen by changing specific details.
- 8. The role of the media and the police:**Our media is considered the fourth pillar of the constitution and they are the ones who can with the help of the police expose the people who create the disaster environment by selling oxygen on the black market 10 times its cost. The media can also expose hospitals that are not paying attention to the pandemic and are forcing the poor to release their loved ones because of their high medical charges.
- 9. Less complexity and greater flexibility:**Another side of the country reported and faced is the legal delays. Obtaining oxygen cylinders requires a lot of paper work when not taken in black or when your uncle is not a minister. It was found that thousands of

oxygen concentrators were lying unidentified and useless due to paper-work related problems. The red tape still did not find a back seat during the pandemic. So the government should take such measures that red tape can take a back seat and people's life can be taken as priority than that of paper work.

10. Less money than humanity: The pandemic has claimed many lives as most people have lost their loved ones. High prices and high costs of medicines and hospitals led many people on the way to cemeteries. The state should work with those in hospitals to keep prices low. If a person does not have enough money at least he should get as much treatment as possible to save his life.

RECENT STEPS TAKEN TO PROVIDE LIFE

- The government focused on importing cryogenic containers from abroad as news arrived on April 25 that the cylinders had been imported from Saudi Arabia and Singapore. These measures have helped to identify many cryogenic containers that are not productive enough in the area.
- **Oxygen highlights:** The government in terms of saving the lives of its people has launched LMO trains and oxygen cylinders across the country have been launched to combat this ongoing problem. This initiative has been very helpful in saving the lives of many.
- **Regeneration of old plants:** Government in terms of mass production of oxygen has come up with a plan to reintroduce many old and closed plants that have not been used to increase the delivery of LMO as a living example of the Sterlite plant in Tamil Nadu reopened to provide oxygen supply.
- **Energy consumption:** Since the transfer of oxygen from one state to another takes at least six to eight days enough for a person to die, so keep this in mind and speed up transport. in the medical field. The initiative has also helped supply oxygen to small and rural areas of the country.
- **Disaster Management Act. 2005:** The Department of Home Affairs requests a disaster management law, in 2005 and ordered the free movement of oxygen vehicles so that

transportation can be quickly, inexpensive and easily accessible and accessible to everyone as soon as possible.

- **Oxygen Enrichment Unit:** Developed by scientists from the Council of Scientific and Industrial Research National Chemical Laboratory (CSIR-NCL), and will help reduce the need for ventilation and oxygen cylinders in homes, rural areas and remote areas. Oxygen-enrichment units are particularly important in view of the Covid-19 pandemic. Recovery of patients can be accelerated with additional oxygen at first level.
- The institute has also appointed a 2nd accredited team to oversee the provision of essential medical equipment during the pandemic which focused on intensive studies where the requirement was implemented in the coming days. The government estimates that more than 17,000 tons of oxygen will be distributed in three phases from oxygen-rich regions. The team also determined that argon and nitrogen tanks should be transferred to oxygen transport. In this regard the group has also recommended the use of industrial cylinders for refilling.
- The empowerment team plans to identify 100 hospitals in remote areas to install compression plants (PSA), which can make their own oxygen and make hospitals self-sufficient. This will reduce travel costs and delays in the supply of oxygen to remote parts. Another 162 PSA plants are on the verge of completion.
- Major Indian manufacturers prefer Inox, Linde India etc. Among them Inox is the highest producing 2000 tons per day. Keeping this in mind Inox with the help of the government is in the process of introducing other plants to heavily affected regions such as MP, UP, Tamil Nadu which will increase oxygen production capacity.
- The government has also created a mandate called NNAM. Once the authority has been established, each hospital must report their daily oxygen demand to designated authorities which means that NNAM is like a shortage of its own product, with the remaining stock. Oxygen setting tools can also help calculate expected demands. Officials should be made at the district and state level and will work separately and report back to the institution.
- **Aid by other countries:** 23 mobile oxygen-generation plants from Germany, 10,000 oxygen concentrators from the US, high-capacity oxygen tankers from Singapore and ventilators from the UK and Europe. The US has also overturned an export embargo that

ensured raw materials for vaccines were prioritized for its own population before being sent abroad, in order to send resources to India to help produce more vaccines.

- In response to the crisis, Indian Railways has created the Oxygen Express to distribute oxygen supplies around the country. **The "OXYGEN Express"** trains reload goods across India to meet the severe oxygen shortages, as new national coronavirus cases reach the peaks for six consecutive days.

OXYGEN RELATED LAWS IN INDIA

Although there are many cases of death due to oxygen shortages but there are many instances which shows that our government's equipment has risen in some way and done much to save our people.

- One such evidence we find is the decision rendered by the Honorable High Court in the case of **State of Andhra Pradesh v. M / s Linde India Ltd.** has ruled that Medical Oxygen IP and Nitrous Oxide IP fall under **section 3 (b) (i)** of the Drugs and Cosmetics Act, 1940.
- The following legislation also arises from the same Drugs and Cosmetics Act, 1940 **Section 26B** which states that the Central Government may regulate or restrict, produce etc. its requirement is important in dealing with emergencies arising from pandemics or natural disasters in which they have the power to control. In light of this phase, it seems unlikely that the government will simply emerge from a supervision, stop the production or distribution of a life-saving drug such as oxygen.
- Another step taken by the Minister of Home Affairs as they repeal **section 10 (2) (1)** of the Disaster Risk Management Act, 2005. It mandated that there should be no borders between people and property between countries and between countries. With this order the uninterrupted international movement of oxygen tanks began and this was directly employed by the Empowered group-II.
- The PMO office forms the Empowered group-II which reviews the control and supply of oxygen to countries. EG II comprises all major provinces and all major oxygen producers (AIIGMA), department of road transport and railways in India. It reviewed the supply of

oxygen and recommended preventing its delivery for industrial purposes by manufacturers and suppliers.

- We are also informed by the words of Art.21 that no person shall be deprived of his life or liberty without the prescribed procedure. As part of the right to life the constitution provides for the basic right to health under Art 21 making it clear that it is the government's duty to ensure the health of citizens. The mentioned article is considered a very important article as our courts have interpreted one statement in a very different way.
- In addition, the gas cylinders used to supply and store such oxygen are controlled separately and require compliance with the GCR. A license on Form E or Form F of Schedule V of the GCR is compulsory for the filling or storage of pressurized gases. It must also be maintained that good production methods without complying with DCA and GCR regulations. In addition, under the DCA, a license will be required under Form 20B to sell, store or distribute oxygen in the medical field.
- Another action taken by the Delhi High Court in its statement that they will not hesitate to hand over anyone when found guilty of obstructing oxygen supplies. Justice Vipin and Justice Rekha Palli noted that they would not assist anyone at a special hearing following urgent requests to be made for hospitals regarding oxygen shortages.
- With regard to restricting the supply of oxygen and other essentials, our nation also has a **THE PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980** where the provisions relating to this condition and its provisions are provided. such kind of activities and in addition a period of punishment is provided which clearly states that if anyone attempts to commit such an offense he or she may be liable to imprisonment and a fine.

CONCLUSION

We all are well aware with the quote that oxygen saved is oxygen produced and with keeping this quote in mind I would like to give rest to my words and conclude up by saying that this pandemic has kept a mirror Infront of all of us in which we are able to see ourselves that how poor our condition is. This has come out as an example to us that in future we should always be

prepared for such a kind of pandemic or crisis. Oxygen should be saved at any cost and ample of amount of oxygen should be kept stored into hospitals and other places so that our people should never lose their close ones due to unavailability of oxygen. Of course, all of this could have been done a long ago and the crisis would not have been a crisis at all at least not one of the scales we are witnessing it. We all even the hospitals and government were not at all concern on the instructions provided by experts during the first wave that the second wave will be way more dangerous but we were still not ready to tackle this. Now this is not the time for playing the blame games but to be together. Our tendency as a nation is to focus on solving our immediate problem and let someone else worry about the big picture. I have nothing against jugaad, but jugaad usually offers band-aid solutions. And as the oxygen crisis has demonstrated, when you are bleeding out from a major blood vessel, band-aids are no help. With this I put my pen down and request to all my nation family that this situation is like a termite to our country and the world as well so let's just join the hands together to overcome such problem by not just depending on the government but also to solve it at our own level as much as possible. If we did not get awaken on time then this termite will hollow all our medical system and then God knows that how much kilometers of more land would be converted into graveyard.

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