

Court No. - 70

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 574 of 2020

Petitioner :- In-Re Inhuman Condition At Quarantine Centres And For Providing Better Treatment To Corona Positive

Respondent :- State of U.P.

Counsel for Petitioner :- Gaurav Kumar Gaur

Counsel for Respondent :- C.S.C.

Hon'ble Siddhartha Varma,J.

Hon'ble Ajit Kumar,J.

1. Heard Sri Shashi Prakash Singh, learned Additional Solicitor General of India through Video Conferencing and Sri Manish Goyal, learned Additional Advocate General assisted by Sri A.K. Goyal, Advocate who appeared for the State. Sri Gaurav Kumar Gaur, learned counsel for the petitioner assisted the Court by giving certain relevant facts. Dr. Rishi Sahai, Nodal Officer of Covid-19 and Dr. Shitanshu Shukla, Nodal Urban Containment Officer were present in Court and provided certain very useful informations.

2. From what Dr. Rishi Sahai and Dr. Shitanshu Shukla informed the Court, we have gathered that for the district of Prayagraj, there are 1875 teams comprising two workers in each team who were responsible for finding out as to which of the residents of Prayagraj have been affected by Influenza like illnesses. Since the Covid-19 infection is mainly increasing in the urban areas, as was informed by the Doctors present, we also enquired as to how many teams were working in the city of Prayagraj. We have been informed that 448 teams were functioning in Prayagraj and each team was having two members from ASHA and ANM. Each team was visiting around 50 households everyday and it was informed that in the city of Prayagraj, where there are around 2,95,700 households, 22,400 households were being visited everyday and each team contacted 50 households. The Doctors present informed the Court that in this manner they were covering the complete city of Prayagraj in a period of 15 days. It was also suggested by the Doctors present that this exercise should be

repeated again after 15 days and also told the Court that if workers and number of testing machines were increased then this combing exercise of testing could be completed in a period of only one week. Further, it was informed by the Doctors that as and when the team comprising ASHA and ANM workers found a person affected by Influenza like illness then information was sent to the control room at the Collectorate and thereafter a unique I.D. was created for the patient. This unique I.D. was transferred to Integrated Disease Surveillance Programme Centre which is manned by a District Surveillance Officer. As and when the information is sent from the control room to the District Surveillance Officer he segregates all the information in such a manner that patients could be called to centres which were nearest to their residences. The District Surveillance Officer's work does not end there. He ensures that the patients reach the sample collection centre and he also ensures that if for a particular reason, the patient does not reach the sample collection centre then he gets the sample collected from his/ her residence. Only if a patient is found to be positively infected, he is taken for treatment to the Level-1 Hospital at Kotwa. In this connection, the Doctors present also informed that there were seven helpline numbers which could be contacted round the clock. They were:-

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| Administration | (i) 9458825340, |
| | (ii) 0532-2641577 |
| | (iii) 0532-2641578 |
| CMO Office | (iv) 0532-2972230 |
| | (v) 7355276814 |
| | (vi) 9454455138 |
| Nodal Officer/ DSO | (vii) 9935541911 |

3. From what we have been informed by the learned Additional Advocate General and the Doctors present, we conclude that in the

given resources the administration is doing a commendable work. However, we find that there are certain shortcomings.

(i) The District Administration and the Health Department has not been able to do anything worthwhile for maintaining physical distancing.

(ii) The District Administration and the Health Department has not been able to install the testing machine i.e. the bigger capacity RT-PCR which is being offered by the Central Government and which it has been informed is not being installed as the room in which the machine has to be installed has yet not been made available. The Administration informed that at least two months' time was required to build the room where the machine could be installed. When this information was provided by the State even the ASGI who was participating through Video Conferencing expressed his anguish.

4. Under such circumstances, when the case is taken up next, the Nagar Ayukta of the Nagar Nigam, Prayagraj and also the counsel for the Nagar Nigam shall be present in Court and they shall inform the Court as to why the unauthorized gatherings of people outside premises of public buildings in the district of Prayagraj were not being removed. This is essential as the removal of unauthorized kiosks/stalls for selling fruits, vegetables, tea, pan, bidi, cigarette etc. from outside public buildings would prevent people from gathering outside public buildings and there would be lesser chances of infection spreading in these Institutions. The Government Institutions and the private Institutions which are being plagued by the presence of unauthorized shops outside their premises may also write to the Nagar Nigam and the Police for their removal and may also send copies of their complaints/ applications to the High Court.

5. On the next date fixed, the Nagar Nigam and the Police Administration shall inform as to why these illegal kiosks were not

being removed. They shall also bring before the Court a blue print by which they propose to maintain physical distancing in and around shops/ kiosks which are authorized to do business in the city of Prayagraj.

6. Further, on the next date fixed, we would like to know from the District Administration as to where they can house the RT-PCR machine which is being offered by the Central Government as has been informed by the learned ASGI. It has been informed that the RT-PCR testing machine can test a larger number of people in a day than was being tested by the machine which is presently installed in the city of Prayagraj. We expect that by the next date fixed, a room shall be earmarked in and around one of the hospitals at Prayagraj so that the new RT-PCR machine is installed and testing which is being done by the Health Department may be done in such a manner that it gets completed for the whole of the city in not just a period of 15 days but only in a period of one week.

7. Today, a letter in the form of a Public Interest Litigation was also placed before us in connection with the disposal of the masks which have been used and were to be disposed of. The Nagar Nigam shall also inform as to how the disposal of these used masks would be done.

8. Since the helpline numbers are being displayed on various crossings, it has come to the notice of the Court that not many people read them as they are mostly driving their vehicles when they pass these crossings. It shall therefore be in the interest of justice that the State may advertise these numbers everyday on the front page of leading newspapers like Times of India, Indian Express, Amar Ujala, Dainik Jagran etc.

9. The combing operation of the Health Department which is being done along with the District Administration should be carried out in all the districts of Uttar Pradesh, especially in the districts of

Gautambudh Nagar, Ghaziabad, Meerut, Agra, Bareilly, Kanpur Nagar, Lucknow and Varanasi.

10. On the next date fixed, the Additional Advocate General shall also inform as to how the operation of tracing, testing and treatment which is being done in the district of Prayagraj is also being done in the above named districts.

11. Place this petition on 13.07.2020. When the case is listed next, the name of Ms. Rishu Mishra, Advocate who appeared in person for pressing her petition be also shown in the cause list.

12. A copy of this order shall be sent through the Registrar General to the Nagar Ayukta, Prayagraj within 24 hours for communication and necessary compliance.

13. We also find that the Rapid Testing Kit (Antigen) has greatly assisted the Health Department in tracking down the people who came in contact with persons who had been found to be infected.

14. Under such circumstances, the State may make available the testing kits as and when they are required by the Health Department in the State of U.P. We may mention here that the challan money which has been collected by the State from people who were not wearing masks may also be used for the purpose of buying these kits.

Order Date :- 9.7.2020

Siddhant

(Ajit Kumar,J.)

(Siddhartha Varma,J.)