

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.10486, 10812, 11644 and 11851 of 2021,
W.P.No.12184 of 2020
and W.P.(MD) No.9485 of 2021

W.P.No.10486 of 2021

Suo-Motu writ petition

Vs

- 1 Union Government of India
Rep. by its Secretary Ministry of Health
and Family Welfare Department of Health and
Family Welfare Nirman Bhavan
New Delhi 110 011.
- 2 State of Tamil Nadu
Rep. by its Chief Secretary Fort St. George
Chennai 600 009.
- 3 State of Tamil Nadu
Rep. by its Principal Secretary Health and
Family Welfare Department Fort St. George
Chennai 600009.
- 4 The Commissioner
Disaster Management and Municipal
Administration Department Government of
Tamil Nadu Chennai 600 005.

5 The Director
Drugs Controller Department DMS Campus
Chennai 600018. ... Respondents

and batch cases.

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The second surge of the pandemic appears to have subsided in both the State and the Union Territory. Status reports filed today indicate increased number of beds and ready availability of both oxygen-supported beds and non-oxygen beds.

2. It is only hoped that the additional facilities are not discontinued for the next few months and, even if it costs a bit more, they are maintained if only to ensure that the dearth that was faced during the second surge is not repeated. The oxygen supplies to the State and the Union Territory have been augmented.

3. The only area of concern appears to be the availability of vaccines and the report filed by the Union indicates the allotment of vaccine free of cost to the State and the Union Territory, and the

quantities that the State and the Union Territory would procure upon payment. Earlier, the Union's commitment to ensure that 216 crore doses of vaccine are available by the end of the year has been recorded. It is hoped that the target is met sooner, rather than later.

4. The present proceedings were instituted not with the intention of the Court, ill-equipped in such regard as it is, to take over the management of the Covid situation; but only to monitor the same and, if at all, provide a platform to various stakeholders to come together. The matter may have served its purpose and in the wake of the second surge being apparently over, except for a few pockets in the State, the matter may be closed.

5. The several aspects highlighted in the status reports, including the availability of beds, supply of oxygen, the augmentation of supply of drugs to deal with mucormycosis, and even the capping of the rates to be charged at private hospitals, need to be noticed. Several suggestions have been made, including that the data should be displayed on the State's website

because there is no shame in projecting the figures. The number of active cases, the number of deaths and other figures should be available on the State's relevant website on actual basis. It must also be recorded that there has been no allegation of underreporting of cases either in the State or in the Union Territory, unlike in some other places.

6. One of the suggestions made is for the Hon'ble Ministers of the State and the members of the legislative assembly to ensure that when they visit any hospital, the entourage accompanying them is limited. It is pointed out that though the Chief Minister and the Ministers have a few government officials accompanying them, some MLAs come with a train of supporters who do not maintain any distancing norms. All concerned, including the hospitals and clinics that the MLAs visit for the purpose of looking into the conditions thereat or to oversee the treatment provided, should maintain the Covid protocol at all times. It sometimes happens that despite the person leading the team advising others not to accompany, the enthusiasm cannot be checked. There may be a need, at times, to restrict the number of persons accompanying

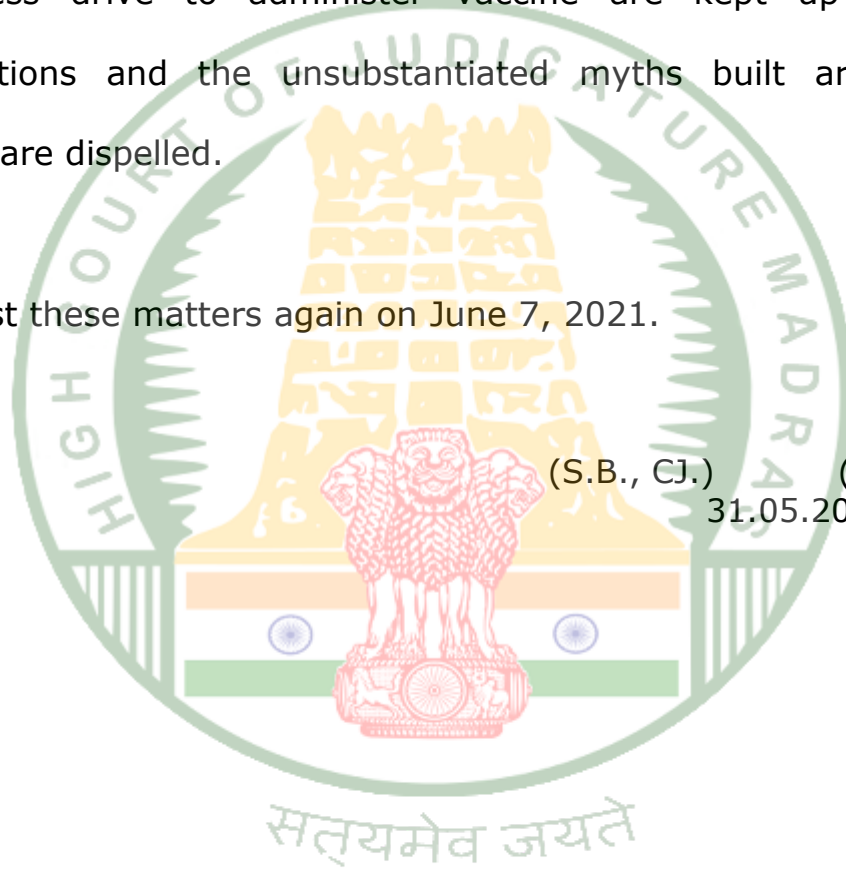
legislators and the like while they go on their visits.

7. The matter will appear a week hence for further reports to be received. It is hoped that the vaccination drive and the awareness drive to administer vaccine are kept up and the superstitions and the unsubstantiated myths built around the vaccine are dispelled.

List these matters again on June 7, 2021.

(S.B., CJ.) (S.K.R., J.)
31.05.2021

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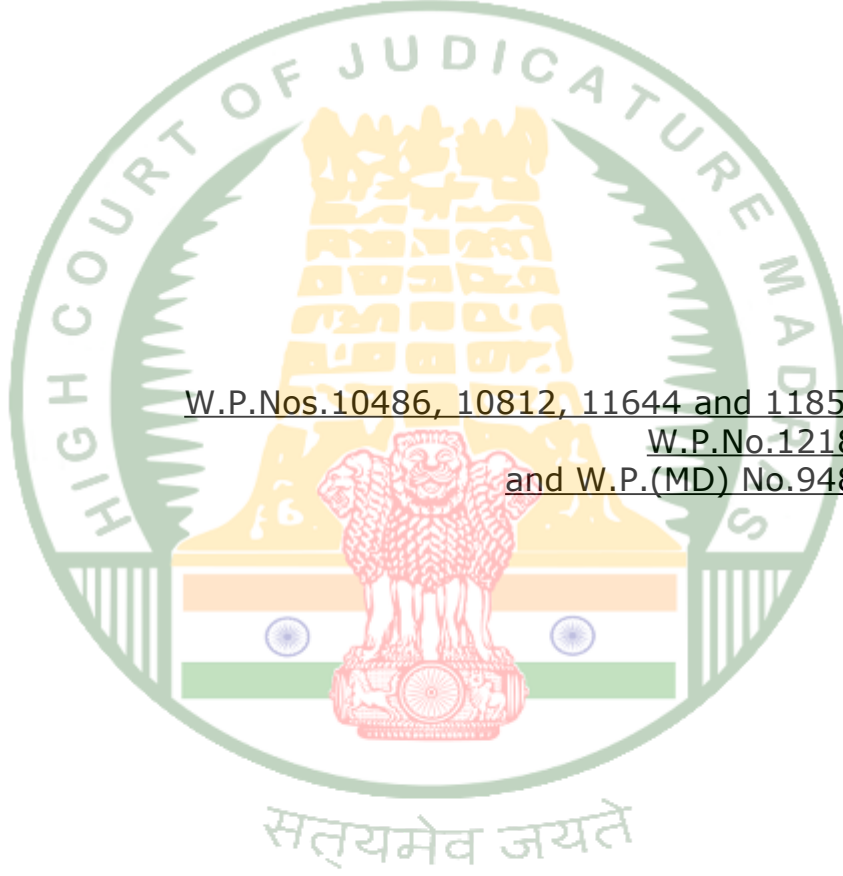


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W.P.No.10486 of 2021 etc.

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)



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