

HIGH COURT OF TRIPURA
AGARTALA

WP(C)(PIL) No.9/2020

Court on its own motion : Mr. Somik Deb, Amicus Curiae.

For Respondent(s) : Mr. S S Dey, Advocate General.
Mr. Debalaya Bhattacharya, Govt. Advocate,
Ms. Ayantika Chakraborty, Advocate.

with WP(C)(PIL) No.7/2021

For the Petitioner(s) : Ms. R Guha, Advocate.

For Respondent(s) : Mr. S S Dey, Advocate General.
Mr. Debalaya Bhattacharya, Govt. Advocate,
Mr. Bidyut Majumder, Asstt. S. G.,
Ms. Ayantika Chakraborty, Advocate.

with WP(C)(PIL) No.8/2021

For the Petitioner(s) : Mr. P Roy Barman, Sr. Advocate,
Mr. Samarjit Bhattacharjee, Advocate.

For Respondent(s) : Mr. S S Dey, Advocate General.
Mr. Debalaya Bhattacharya, Govt. Advocate,
Ms. Ayantika Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE JUSTICE MR. S TALAPATRA

_O_R_D_E_R_

09/7/2021

(Akil Kureshi, CJ).

We had detailed discussion on the prevailing Covid situation in the State. Few areas which emerge from such discussion are as under :

- (i) We notice that in the State the positivity rate of Covid is lingering around 5% since quite some time. The drop in the

positivity thus has plateaued out. Simultaneously, the number of deaths reported every day, in comparison to the State population is also on the higher side.

These figures plainly suggest that there is no place for complacency in dealing with the Covid situation. We expect, the people of the State to scrupulously follow all safety guidelines and the State Government to implement them whenever breach is noticed.

On the next date of hearing, the learned Advocate General shall apprise the Court if there is any analysis of data of the death which may establish primary cause for relatively high mortality so that such cause can be addressed, if possible.

(ii) From the vaccine bulletin daily published by the State Government we notice that overall rate of vaccination first; as well as second doze for all age groups in our State is much higher than the national average and perhaps is the highest in the country. From the affidavit dated 3.6.2021 filed by the State Government it emerges that there are approximately 26.86 lakh eligible people above the age of 18 years in the State. As on 7th July 2021, 22,22,254 people have already received their first doze of vaccines

of which 6,26,402 have received second doze as well. However, what is of some concern is the depleting stock of vaccines in the State and resultant drop in daily vaccinations. For example, on 5th July 2021, 14460 vaccines were administered. On 6th July 2021, this number came down to 11,570 and on 7th July 2021, only 5,526 vaccines were administered. The total vaccines available with the State administration, as on 7th July 2021, was 1,64,890. 22,000 more dozes are likely to be received within this month. For the remaining of the month, therefore, the State administration would be left with 1,84,890 vaccines.

But apart from the drop in the vaccination rate which perhaps is an all India phenomena on account of insufficient vaccines available for distribution, what causes concern is that those who have already received first vaccine, would qualify for administration of second doze upon completion of 12 weeks or 4 weeks depending on the vaccine administered (Covishield or Covaxin as the case may be). These people, who have already received their first doze, cannot wait indefinitely for receiving the second doze after the mandatory period is over. In our State, surely there are large number of people (about 14 lakhs going by the figures of the vaccine bulletin) who have received the first

vaccine but not the second vaccine. The State administration must think about raising sufficient number of vaccine doses to cover this population within the recommended period. We are conscious that the distribution of the vaccines across the country is being done by a specially constituted committee which takes into account various factors while deciding proportionate distribution of such vaccines to different States. If need be, the State Government may take up this issue with the committee for allocation of sufficient vaccines to the State in view of its committed requirement.

(iii) Two local newspapers (Tripura Observer and Northeast Colour), published on 25th June 2021, carried a detailed article in which Dr. Siddharth Shib Jaiswal, Mission Director of the National Health Mission, Tripura, was quoted to have stated that around 80% population of all eligible age groups in the State have received the vaccine (first dose). He is further stated to have claimed that 98% people above the age group of 45 have been vaccinated (first dose). From any angle, neither of these two claims were accurate. Going by the Government affidavit, the entire eligible population of over 18 years in the State is close to

26.86 lakhs. Population of people over 45 years is approximately 12.36 lakhs. On the date when the Mission Director made these claims, the total vaccines administered were 24,26,803 of which 5,66,458 were of second doze. Total number of people vaccinated was thus 18,60,345. Perhaps, he has taken the total dozes of vaccines administered for arriving at this 80% coverage, forgetting that substantial part of it was administered to the same person as a second doze. Total vaccine dozes administered to people over 45 years as on that date was 14,36,595. Second doze was by then given to 5,66,458 people bulk of which was from this age group since vaccination for people below 45 years had started only recently. Thus around 9 lakh out of 12.36 lakh people over 45 years were given vaccine. This certainly does not come to 98% of the population in that age group.

From the beginning in this public interest petition we have been putting great stress on reliability of public information distribution because we believe that it is only when there is total transparency and accuracy in data provided by the State machinery that the people will understand the correct picture and will have faith in data distribution system. When an officer as responsible as the Mission Director of National Health Mission, Tripura, is quoted to have provided information which was inaccurate, we

expected him to issue correction statement to the press. Going by the press reports, he had conducted a press conference for providing this information. At least, an official statement to the press pointing out that either there was an error on his side in providing the information or there was a misunderstanding on part of the press should have been issued. We expect him to do so without any further delay. We request the learned Advocate General to communicate this to him.

(iv) On the last occasion, we had briefly touched on the question of mentioning Covid as a cause of death in the death certificate or medical certificate. However, this issue is covered fully by a recent Supreme Court judgment dated 30th June, 2021 in case of *Reepak Kansal Vs. Union of India and others*. The State administration is fully aware of this decision and the directions issued by the Supreme Court in the said judgment. At this stage, therefore, there is no further need to pass any directions.

List on *19th July, 2021*.

(S TALAPATRA, J)

(AKIL KURESHI, CJ)