

HIGH COURT OF JUDICATURE AT ALLAHABAD

In Chamber

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 Govind Mathur, Chief Justice

Hon'ble Siddhartha Varma, J.

Perused the submissions of the learned Standing Counsel and Sri Gaurav Kumar Gaur made through E-mail. Though we have no doubts that the State of Uttar Pradesh is leaving no stone unturned in extending medical relief to all, various allegations made in the application of Sri Gaur are forcing us to pass certain directions.

It has been stated in the application of Sri Gaur that Sri V.K. Singh had died owing to the negligence of the medical staff. It has also been stated that no attention was being paid to the various complaints of his wife who is presently being treated along with the other members of the family. The submissions sent through E-mail by Sri Gaur have also various photographs of the ward and the hospitals where Covid-19 patients are being treated.

If one goes by the allegations in Sri Gaur's E-mail and if the photographs attached therein are of the S.R.N. Hospital, Prayagraj, then it would not be very difficult to conclude that the state of affairs in the hospital is not very good.

In our last order dated 11.5.2020, we had intended not only to know about the state of the hospitals which were treating Covid-19 patients but we were also keen to know as to what were the facilities in the other Government run hospitals. It was for this reason that apart from the hospitals at Kotwa at Bani and S.R.N. Hospital at Prayagraj we had asked for the status of the other Government hospitals as well. This was essential as we had gather information from the perusal of various news items that are being published everyday that private nursing homes have been restricted from running their O.P.Ds. and, therefore, they were not running their regular hospitals and, therefore, it had to be seen that

Government hospitals today should not only properly cater for Covid -19 patients but also should have facilities for every other patient not affected by Covid-19 virus. The T.B. Sapru Hospital/ Beli Hospital and the Colvin Hospital are Government Hospitals which cater to all Government Employees and other private individuals. The other Prathamik Chikitsalays in the city as also in the villages which according to the State number around 105 and are there for the public at large should also be properly revved up. They should have enough facilities to treat patients ranging from minor cold and flu to heart attacks. This would minimize the requirement of private hospitals and would also ensure that public at large would get good treatment and at reasonable rates.

The State may, therefore, provide information with regard to the following:-

(i) What is the reason that despite various orders and directions of the State Government to keep the Covid-19 virus hospitals clean and sanitized, they are neither cleaned nor sanitized. The fact that these centres are not being cleaned is clear from the various photographs attached in the written submissions of Sri Gaur. Also from the news item which appeared in the Amar Ujala on 12.5.2020 it is evident that physical distancing is not being observed by people who go to the hospital to get themselves tested for Covid-19 and for other reasons.

(ii) The State to also inform as to why state of the art medical facilities are not being made available in the T.B. Supru Hospital, the Colvin Hospital and in the 105 other Samudayik Chikitsalayas at Prayagraj.

(iii) When the State has to, in the present times, cater to all the non-covid-19 patients also, as the private hospitals have been virtually non-functional then the State hospitals should have all the other required facilities, namely, the various machines, test facilities and the Doctors. The instructions reveal that apart from S.R.N. Hospital the other hospitals do not have ICCU.

Under such circumstances, the State to definitely inform as to by which date they shall be able to get the state of the art medical facilities in the Colvin/M.L.N. Hospital, T.B. Sapru Hospital/ Beli Hospital and in the other Prathamik and Samudayik Chikitsalaya Kendras.

There might be some financial constraints for which we request the appropriate State Government and the Authorities in the Central Government to extend the much required financial assistances as and when they are required.

Further, to minimize the contagion, we request the State that the following suggestions be incorporated in its guidelines, if they have already not found place in them till date.

I. The Authorities in the State of Uttar Pradesh may form a composite list of such persons who might be entering in the State of Uttar Pradesh after the lockdown was imposed - be they migrant labourers or anyone.

II. After the list is prepared, a responsible officer be appointed over every 400 such persons who might have come into the State of Uttar Pradesh after the lockdown was imposed.

III. All officers who would be appointed to look after the groups of 400 persons under them who had entered in the State of Uttar Pradesh would maintain a list of those 400 individuals and shall:-

(a) enquire about their well-being through Mobile Numbers which shall be maintained by those officers.

(b) The officers shall on a daily basis enquire about the healths of the persons entered in their lists.

(c) The officers, if they find that food is not being made available to anyone in the list, shall make proper arrangements to see that food is made available.

III. If by any chance anyone entering through the various Highways on personal vehicles has not been located and his/her name was not in the list and information is provided that such person/ or persons has or have entered in State of U.P. then the name of that person shall also be incorporated in the list of migrants in the State of Uttar Pradesh from the other States.

IV. If any citizen staying in the State of Uttar Pradesh finds that there is anyone who has come from outside the State of Uttar Pradesh and is not being watched by the State of Uttar Pradesh then he may inform the State officials immediately.

V. If any resident of the State of Uttar Pradesh feels that someone unknown to him or her is residing in their neighbourhood then he or she should immediately inform the State authorities. For this purpose the State may publicize Mobile Numbers where information can be sent.

VI. It shall be seen by the State Authorities that every migrant in the State of Uttar Pradesh is properly quarantined for at least 15 days and in the quarantine premises proper sanitization should be there alongwith food and medical facilities.

We have no reason to believe that the State of Uttar Pradesh has not taken proper care to prepare a list of all who have arrived from outside. We have also no reason to believe that the State of Uttar Pradesh is not providing proper board and lodging to persons who have come from outside the State of Uttar Pradesh. However, we sincerely believe that whatever work is being done by the State of Uttar Pradesh may be done in a more organized manner.

To check whether a list has been prepared and whether a responsible officer has been made responsible for every four hundred migrants detailed instructions may be produced on the next date.

List this case 18.5.2020.

Order Date :- 14.5.2020

(Siddhartha Varma,J.).....(Govind Mathur,C. J.)