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W.P.Nos.10486 & 10812 of 2021
& 12184 of 2020

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

ORDER

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

Reports have been filed both by the Union and the State as to the measures adopted to deal with the unexpected surge in infections and matters pertaining thereto.

2. The Election Commission is also represented, specifically to indicate the measures put in place for vote counting day on May 2, 2021.

3. According to the State, the number of persons who are being treated for the infection is about 1.12 lakh, which is up from 1.10 lakh on Wednesday, but not much worse than what may have been anticipated. In the latest report filed on behalf of the State, it has been indicated that there are 29,367 beds in Government hospitals which are occupied by Covid patients, in addition to 12,196 beds in private hospitals that are tending to persons attacked by the virus. These

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figures reflect approximately 48.61% and 29.88% respectively of the bed capacity. The report also indicates the augmentation of beds, including at places outside Government and private hospitals. The report speaks of a total of 36,223 oxygen beds, 7405 ICU beds and 6517 ventilators being available.

4. On the oxygen front, the State says that the consumption crossed 385 metric tonne and the entire requirement is being met by manufacturing facilities in the State and in Puducherry. However, the position appears to be slightly different in respect of the availability of the drug Remdesivir and doses of the vaccines. With the universal adult inoculation drive due to begin on May 1, 2021, the supply of vaccines has to be augmented. It is also indicated in the State's latest report that against pending orders of 2.5 lakh vials of Remdesivir, only 59,000 have been allotted by the Union.

5. It is submitted by learned Additional Solicitor-General that appropriate measures for the supply of the drug and the vaccines are being taken and appropriate figures may be indicated within a day or two. It is hoped that the picture becomes clearer by May 3, 2021 and the specific quantities of the drug and doses of vaccine to be released

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are indicated to the State, so that the State may plan out its course of action over the next week or so.

6. Two aspects cannot be missed: the first is the Union's endeavour to indicate that the surge in numbers may have been unexpected and that preparatory measures had been taken for quite some time, and the second is the Election Commission's concern at sensationalism. The post-mortem on either count may have to wait, particularly in the light of the immediate measures that may be put in place.

7. It may also be clarified at this stage that this Court does not regard itself to possess the expertise necessary to suggest measures that should be adopted. The object of the exercise is to ensure that the authorities tasked with such obligation devote their complete attention in such regard, so that the measures may be monitored in some degree.

8. The immediate concern is regarding what may happen during vote counting on May 2, 2021. In view of the guidelines published by the Election Commission and the measures put into place, inter alia

restricting movement, entry into the counting centres, security in and around the counting centres and the total lockdown in the State otherwise on that day, it is hoped that political parties, media personnel and citizens at large adhere to the instructions and the guidelines, follow the norms and co-operate with the authorities in the greater public interest. The role of the political parties cannot be overemphasized. The leaders of political parties should ensure that the rank and file maintain a degree of discipline and exercise extreme restraint whether in celebration or otherwise. The leaders of political parties should keep the supporters in check, ensure that there is no bursting of crackers or taking out of rallies, particularly on the day of counting and till such time that the present grim situation continues. The leaders of political parties are requested to take a pro-active stand in such regard and lead by example.

सत्यमेव जयते

9. A status report has also been received from Puducherry, which indicates quite an alarming surge, but measures now having been put in place which ought to be strictly implemented. In an order passed earlier today, the State authorities have been directed to ensure that private outlets selling liquor are reined in and the police should ensure the closure of bars, if government notifications so

require.

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10. The other aspect of the matter is for information to be made available on the internet and other media, so that there is no panic, whether in seeking the drug or obtaining the supplies of oxygen or finding out the nearest bed. The citizens ought also to exercise a degree of restraint that the State Government would be best suited to advise on. It also appears that several persons continue to have reservations in taking the vaccine. Drives have to be initiated, whether through public announcements in the lesser towns and rural areas, to encourage people to come out and take the vaccine.

11. This Bench will be available, at least during the first fortnight of the vacation and may assemble upon prior notice to the relevant parties. At any rate, this Bench will be available to further look into the situation on the first working day in the vacation, on May 5, 2021.

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(S.B., CJ.) (S.K.R., J.)
30.04.2021

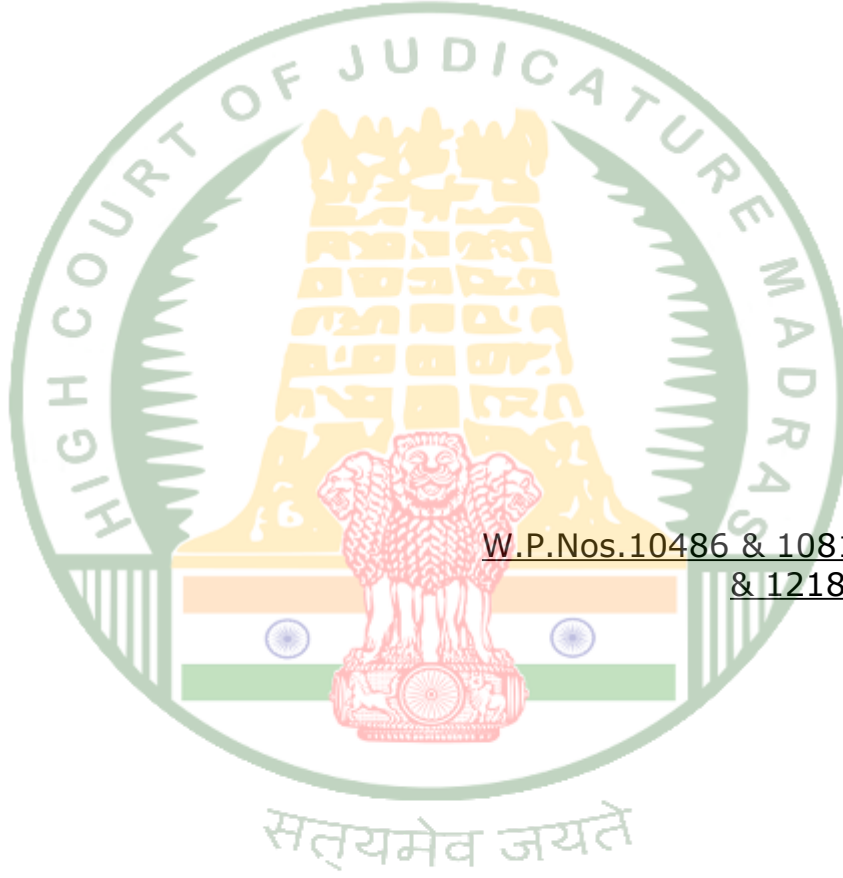
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