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**IN THE HIGH COURT OF BOMBAY AT GOA
PIL WRIT PETITION NOS. 1172, 1173, 1174, 1179, 1191,
1192, 1202, 1213, 1216 & 1221 OF 2021 (FILING)**

**PIL WRIT PETITION NO. 1172 OF 2021 (F)
WITH
MCA No. 1220 OF 2021 (F)
IN
PIL WP No. 1172 OF 2021 (F)**

SOUTH GOA ADVOCATES
ASSOCIATION, THR. ITS
PRESIDENT, ANTONIO
CLOVIS DA COSTA AND ANR.

... Petitioners.

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA & 4 ORS.

... Respondents.

Shri Nikhil Pai, Advocate for the Petitioners.

Shri D. Pangam, Advocate General with Ms. Ankita Kamat, Addl.
Govt. Advocate for the respondents no.1, 4 and 5.

Prof. Dr. Shivanand Bandekar, Medical Superintendent cum In-charge-
Dean, Goa Medical College, Bambolim.

Dr. Viraj Khandeparkar, Nodal Officer, Goa Medical College,
Bambolim.

**WITH
MCA No. 1198 OF 2021 (F)
IN
PIL WP No. 1172 OF 2021 (F)**

AMIT PALEKAR AND ANR

... Applicants.

Versus
STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA & 4 ORS. ... Respondents.

Applicant no.1 present in person.
Shri D. Pangam, Advocate General with Ms. Ankita Kamat, Addl.
Govt. Advocate for the respondents.
Shri Pravin Faldessai, Assistant Solicitor General of India and Mr. R.
Chodankar, Central Govt. Standing Counsel.

AND
PIL WRIT PETITION NO.1173 OF 2021 (F)
WITH
MCA NO. 1203 OF 2021 (F)
IN
PIL WP No. 1173 OF 2021 (F)

ARMANDO GONSALVES
AND ANR. ... Petitioners.

Versus
STATE OF GOA, THR. THE
CHIEF SECRETARY & 2 ORS. ... Respondents.

Shri Akash Rebello and Mr. Varun Bhandankar, Advocate for the
petitioners.
Shri D. Pangam, Advocate General with Mr. Deep Shirodkar, Addl.
Govt. Advocate for the respondent no.1.
Mr. P. Faldessai, Assistant Solicitor General of India, and Mr. R.
Chodankar, Central Govt. Standing Counsel.
Ms. Akshata Bhat in person through letter dated 27/05/2021.

WITH

MCA No. 1196 OF 2021 (F)
IN

PIL WP No. 1173 OF 2021 (F)
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STATE OF GOA, THR. ITS
 ADDITIONAL SECRETARY
 (HEALTH)

... Applicant.

Versus

ARMANDO GONSALVES
 AND ANR.

... Respondents.

Respondent no.1 present in person.

Shri D. Pangam, Advocate General with Mr. Deep Shirodkar, Addl.
 Govt. Advocate for the respondents.

Shri Pravin Faldessai, Assistant Solicitor General of India and Mr. R.
 Chodankar, Central Govt. Standing Counsel.

AND

PIL WRIT PETITION NO. 1174 OF 2021 (F)

ROSHAN MATHIAS AND ANR.

... Petitioners.

Versus

STATE OF GOA, THR. ITS CHIEF
 SECRETARY, GOVT.OF GOA & 4 ORS.

... Respondents.

Shri Nigel Costa Frias, Shri Vishal Sawant and Shri G. Malik,
 Advocates for the petitioners.

Shri D. Pangam, Advocate General with Mr. Deep Shirodkar, Addl.
 Govt. Advocate for the respondent-State.

AND

PIL WRIT PETITION NO. 1179 OF 2021 (F)

KENNETH IAN STEWART

SILVEIRA AND 3 OTHERS ... Petitioners.

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 2 ORS., ... Respondents.

Mr. C.A. Ferreira with Mr. D. Zaveri, Advocates for the Petitioners.
Mr. D.J. Pangam, Advocate General with Mr. P. Arolkar, Additional
Govt. Advocate for Respondent/State.

AND

PIL WRIT PETITION NO.1191 OF 2021 (F)

ROHAN ASHOK KHAUNTE ... Petitioner.

Versus

STATE OF GOA, THR. THE
CHIEF SECRETARY, GOVT.
OF GOA AND 2 ORS., ... Respondents.

Mr. Amey Kakodkar, Advocate for the petitioner.
Mr. D.J. Pangam, Advocate General with Mr. P. Arolkar, Additional
Govt. Advocate for Respondent/State.
Mr. P. Faldessai, Assistant Solicitor General of India and Mr. R.
Chodankar, Central Government Standing Counsel for Union of
India.

AND

WRIT PETITION NO. 1192 OF 2021 (F)

MARIO BRITO FERNANDES ... Petitioner.

Versus

THE SECRETARY/SARPANCH,
VILLAGE PANCHAYAT OF
CANA-BANAULIM AND 4 ORS. ... Respondents.

Mr. Byron Rodrigues, Advocate for the petitioner.
Mr. D.J. Pangam, Advocate General with Mr. P. Arolkar, Additional
Govt. Advocate for Respondent/State.

AND
PIL WRIT PETITION NO. 1202 OF 2021 (F)

NANDAGOPAL KUDCHADKAR ... Petitioner.
Versus
STATE OF GOA, THR. THE CHIEF
SECRETARY AND 7 ORS. ... Respondents.

Mr. Parag Rao with Ms. S. Drago, Advocates for the Petitioner.
Mr. Devidas J. Pangam, Advocate General with Mr. Deep Shirodkar,
Additional Government Advocate for the Respondents.
Mr. P. Faldessai, Assistant Solicitor General of India and Mr. R.
Chodankar, Central Government Standing Counsel for Union of
India.

AND
PIL WRIT PETITION NO. 1213 OF 2021 (F)

ANUP ARUN PRABHU VERLEKAR ... Petitioner.
Versus
THE STATE OF GOA, THR. ITS
CHIEF SECRETARY AND 2 ORS. ... Respondents.

Petitioner in person.
Mr. Devidas J. Pangam, Advocate General with Ms. Ankita Kamat,
Additional Government Advocate for the Respondents.

AND
PIL WRIT PETITION NO. 1216 OF 2021 (F)

MAPUSA ADVOCATES FORUM,

THR. ITS PRESIDENT, ADV.
PARESH RAO AND ANR. ... Petitioners.

Versus

STATE OF GOA, THR. THE CHIEF
SECRETARY AND 9 ORS. ... Respondents.

Mr. Shivan Desai and Mr. Jatin Ramaiya, Advocates for the Petitioners.
Mr. Devidas J. Pangam, Advocate General with Mr. Prashil Arolkar,
Additional Government Advocate for the Respondents.
Mr. P. Faldessai, Assistant Solicitor General of India and Mr. R.
Chodankar, Central Government Standing Counsel for Union of
India.

AND

WRIT PETITION NO. 1221 OF 2021 (F)

CAPT. VENZY VIEGAS ... Petitioner.

Versus

THE STATE OF GOA, THR.
CHIEF SECRETARY AND 5 ORS. ... Respondents.

Mr. Ryan Menezes, Advocate for the petitioner.
Mr. Devidas J. Pangam, Advocate General with Ms. Ankita Kamat,
Additional Government Advocate for the Respondents.

Coram: S. C. Gupte &
M.S. Sonak, JJ.

Date: 28th May 2021.

P.C.:

Pursuant to our last order dated 24.05.2021, the State of Goa
has filed two additional affidavits, responding to the requisitions made

by this Court in its orders dated 17.05.2021 and 24.05.2021, through the Dean of the Goa Medical College and Additional Secretary (Health), Government of Goa. Union Government, on its part, has also filed two affidavits, namely, counter affidavit on behalf of Ministry of Health and Family Welfare, Government of India and comments/response on its behalf by a separate affidavit of an Under Secretary of the Covid Vaccine Administration Cell in the Ministry.

2. From the affidavits, broadly we find that both the State and the Union Governments have adequately addressed the issues raised by the various petitioners, which were flagged by us in our orders dated 17.05.2021 and 24.05.2021. The State of Goa appears to have taken various measures to contain the current pandemic and prepare for an impending third wave. We may, however, note a few broad aspects and the response of the State and the Union on those and indicate, wherever necessary, what further response we expect from the Government by the next date.

3. So far as oxygen supply in the State of Goa and particularly, the situation in the Goa Medical College, which is one of the main facilities where serious Covid patients from the State of Goa are treated, is concerned, the State has taken up a position in its affidavit that at present there has been adequate oxygen supply in the

State and none of the treating hospitals including GMC is facing any shortage. It is submitted that out of the total requirement of 55 metric tones of Oxygen per day for the State of Goa, about 46 metric tones are being allotted by the Central Government, whereas 15 metric tones per day of Oxygen are being generated by four units, namely, one unit of Scoop Industries Private Limited at Corlim, two units of Govind Poi Oxygen Ltd, Margao and Raia and one unit of Cuncolim Oxygen Plant Pvt. Ltd. It has also been stated that the State Government is in the process of installing of PSA Plants which have been sanctioned by the Central Government at various sites in the State.

4. As far as GMC is concerned, it has indicated that for optimum utilization of PSA oxygen plant, it would have to shut down one whole floor and that as and when the situation improves, the GMC proposes to go in for the establishment of PSA Oxygen plant. The learned Advocate General for the respondent-State has offered to place on record the up to date status of implementation and installation of PSA plants as proposed by the State, when the matter is heard before the regular Bench after the Court re-opens post the summer vacation. The State may do so.

5. So far as equipments such as Oxygen Flow Meters, Oximeters and essential medicines are concerned, we had in our last

order noted the State Government's statement that there were adequate supplies available with the State. We are informed that the State also has a buffer supply as of now and has made adequate arrangements for its further augmentation. The issue has thus been adequately addressed.

6. So far as Super Specialty Block('SSB') in GMC is concerned, the State has indicated that out of 331 beds currently available at the block, only about 220 beds have been actually utilized, leaving over 100 beds, which are still available for use by patients. The State has also indicated that considering the impending third wave of Covid-19 pandemic and the likelihood of children being affected by that wave, the State is making provisions for making beds available and for providing suitable infrastructure in the block for the pediatric patients. The learned Advocate General on behalf of the State has offered to give an update of the entire capacity of the SSB being made operational by commissioning all 550 beds and their utilisation by the next date when the matter is heard after vacation.

7. So far as the State Government's requisition to the Central Government for making available vaccination shots to the State is concerned, which was referred to specifically in paragraph 14 of our order dated 17/05/2021, is concerned, we find that the State has not

placed on record the details called for by this Court. The learned Advocate General offers to do so by the next date. The State may do so.

8. As for vaccination shots available with the State as a result of people from the priority age group of 45+ not coming forward for vaccination, which is a large quantity of over 2,50,000 doses, the learned Advocate General has indicated that the State is coming up with a policy decision by identifying age groups or categories or classes of people who will be administered these balance vaccination shots in case the available quota is not exhausted by a particular date for the age group for whom it is meant. The learned Advocate General has indicated that in about a week or so this policy will be announced by the State. Besides the proposed policy, the learned Advocate General has indicated that the State is in the process of carrying on a sustained campaign to educate the populace on the importance of vaccination and see that people from the age group of 45+ do come forward for vaccination. The state should indicate its policy decision taken in this behalf by the next date when the matter is heard by the regular Bench.

9. With particular reference to procurement of vaccination doses from sources other than the Union Government, the learned Advocate General has indicated that the State is in the process of

issuing tenders for procuring doses from private suppliers. On the next date the State shall indicate, in concrete terms, the number of doses to be procured by the State as well as the timeline for procuring them.

10. So far as the testing facilities are concerned, the State has indicated its response in its two affidavits. We are of the view that there has been adequate action by the State in this behalf and nothing further needs to be said.

11. Coming now to the preparedness for an anticipated third wave of the pandemic, the State of Goa has formed an expert committee consisting of 17 reputed doctors and health professionals to advise the State on the measures to be adopted for preventing and dealing with the third wave. It appears that the expert committee has already deliberated on some important measures and come up with its recommendations. The recommendations, reflected in the minutes of the committee dated 23.05.2021 have been placed on record by the State Government. The learned Advocate General informs the Court that the State has broadly accepted these recommendations. The State shall however make its position clear on this aspect and also indicate when and in which manner it proposes to implement these recommendations, when the matter is next heard in the regular course.

12. As for the protocol for post Covid complications, particularly, Mucormycosis, which has been referred to in our last order dated 24/05/2021, the State has come up with an adequate response and has also placed on record the protocol set up by it for detection and treatment of Mucormycosis. The State has also indicated its preparedness with medicines and other infrastructure for the future upsurge and treatment of Mucormycosis as a result of post Covid complications. The State shall give an update of the stock of medicines to be received from the Union for this particular treatment on the next date.

13. As regards the use of Ivermectin, the issue raised by the petitioner in Writ Petition No.1216 of 2021 concerns mainly its prophylactic use. As for its therapeutic use, it is nobody's case that the medicine has not been included by ICMR for Covid-19 treatment protocol. Though the expert committee of the State, in its decision dated 13/05/2021, has recommended even prophylactic use of Ivermectin, from the affidavit filed by the State its the Additional Secretary (Health) what emerges is that the State has, for the present, decided that the medicine, i.e. Ivermectin, would be given to all suspected and symptomatic patients and provided in the kit to be supplied to positive patients in home isolation. It does not appear that as of now the State has been promoting prophylactic use of these

medicines. In case however the State does so in future, it will be open for the petitioners to raise appropriate objections and the matter in that case will be dealt with by this Court in its further orders to be passed in Writ Petition No. 1216 of 2021.

14. So far as the fire safety of Covid treatment and care centres is concerned, the Petitioner, who appears in person, has flagged various concerns. The State of Goa, while indicating its response to these concerns, has submitted that the Supreme Court has extensively dealt with fire safety issues arising while handling the pandemic in *Suo Moto Writ Petition (Civil) No. 7 of 2020*. The Supreme Court has issued detailed directions for ensuring fire safety at dedicated Covid Hospitals and Covid Care Centres, both Government and private. These guidelines, inter alia, require each State to respond. The State of Goa has accordingly filed an affidavit before the Supreme Court (affidavit dated 08.01.2021) pertaining to measures taken by it towards implementing the directions of the Supreme Court pertaining to fire safety precautions. The State shall no doubt scrupulously comply with the directions of the Supreme Court in this behalf and take every measure which forms part of the Court's directions. There is, however, one important issue highlighted by the Petitioner. It is submitted that apart from regular fire audit, the Hospitals and Covid Centres also need to have electrical audit of the equipments used by them, since it is

the malfunctioning of such equipments which triggers the hazard of fire. The suggestion merits acceptance. We direct the State to carry out electrical audit of equipments used by Covid Hospitals and Covid Care Centres in accordance with the available standard protocol, whilst carrying out fire audit in compliance of the directions of the Supreme Court in this behalf.

15. The Petitioner in Writ Petition No. 1202 of 2021 has indicated that a 25 bedded hospital by the name of Bosio Hospital at Candolim, Goa is being offered to the State as a Covid Care Centre. The State, through its expert committee constituted on 21.05.2021, shall consider the offer made by the Petitioner as also other similar offers, if any, made by pro-active citizens groups and others towards Covid care. The State shall indicate its response in this behalf to this Court on the next date.

16. So far as the policy of Union Government of making available 50% quota of vaccination doses to the States and private players, such as private hospitals and industrial establishments running hospitals, is concerned, objections have been raised by the Petitioners in Writ Petition No. 1173/2021. Though the Petitioner has made a reference to this policy in one of the affidavits, there is no concrete objection raised by filing an appropriate proceeding or making an

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appropriate amendment in the petition. We permit the Petitioner to come up with a proper amendment by producing a draft amendment on the next date with advance copy to the Respondent-Union.

17. The Petitioner in Writ Petition No. 1173/2021 has also moved a draft amendment for impleading Konkan Railway Corporation and Manipal Hospital, Goa as party Respondents. It is submitted that these parties are particularly necessary in view of issues such as insistence on negative RT-PCR reports and vaccination through private channels, which are raised in the petition. We grant liberty to the Petitioner to amend the petition in terms of the draft handed in by impleading the two new parties. Amendment to be carried out within a week from today. Re-verification is dispensed with. Issue notice to the newly added parties returnable on 10.6.2021. Let amended petition be served on the newly added parties, both through Court service and private notice.

18. That leaves one last important issue, which, in our opinion, is at the very heart of any community response to the present Covid-19 pandemic, namely, containment and management of Covid-19 in peri-urban and rural areas. The Government of India, through its Ministry of Health and Family Welfare, has laid down a detailed Standard Operating Procedure('SOP')(Exhibit-D to the

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affidavit of the Director of the Ministry of Health and Family Welfare, Government of India) for such containment and management. It has formulated detailed procedure for surveillance, screening, isolation and referral at the village level. It has indicated the personnel to be involved for this exercise as also the equipment to be made available and consumables to be stocked at village level with each Covid Care Centre. All relevant aspects of infrastructure as well as human resource requirement and logistics and clinical management of Covid Care Centres in villages have been laid down in detail. The SOP also refers to dedicated Covid Care Health Centres at the District level with infrastructure planning, human resource department, logistics and infection, prevention and control practices as well as the clinical management at the District level recommended in detail. The SOP also provides for a checklist to be obtained from each village panchayat so as to communicate its preparedness for action against Covid-19 pandemic. The learned Advocate General has, in his submissions, indicated, no doubt backed by averments made in the affidavits filed by the State, that the State has taken various steps in this behalf. We are, however, of the view that the information in this behalf indicated in the affidavits of the State is not exhaustive and does not bring out all aspects of community response indicated in the SOP of the Central Ministry of Health. We expect the State to come up with a particular and detailed response concerning the SOP by the next date. The State

shall indicate measures taken by it at village, District and State level for implementing the SOP before the next date. The State shall also endeavour to obtain checklist from each village panchayat in the State towards its community preparedness for Covid-19 response in accordance with Annexure-D to the Standard Operating Procedure on Covid-19 containment and management in peri-urban, rural and tribal areas, issued by Government of India, Ministry of Health and Family Welfare on 16.05.2021.

19. The Petition to come up next before the Regular Court on 10.06.2021.

M. S. SONAK, J.

S. C. GUPTE, J.

vn/mv/ev/jfd