

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

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 figures furnished by both the State of Tamil Nadu and the Union Territory of Puducherry reveal that despite the increased number of positive cases, the rate of increase has fallen over the last seven days or so. In addition, there has been an augmentation of facilities and, by and large, those afflicted by the virus are receiving some form of treatment, which could, however, be better.

2. The Central Government has filed a report, but there is no indication of the allocation of any drugs or vaccine in the near future or of any plan which is in place. It is hoped that a more detailed report as to a centralised plan of action to deal with the emergency would be filed by the Centre when the matter is taken up next on May 24, 2021.

3. As to the supply of oxygen, the report of the Health Secretary filed on behalf of the State reveals that the daily 100 MT allotment from the eastern corridor has not been delivered on a regular basis. However, there are oxygen generators and concentrators which have been pressed into service and the supply of liquid oxygen is restricted for use of patients who are in critical care. There has to be an increase in the supply of oxygen to both the State and the Union Territory. Puducherry says that its daily demand may go up to 65 MT, though the supply at present is adequate and manageable. Indeed, previous orders have recorded that the State may require 800 MT of oxygen on a daily basis. It is hoped that by now the Centre would have augmented the supply of oxygen so as to ensure equitable distribution and enhanced supply to all States and Union Territories, including these two.

4. The silver lining in such regard is in the announcement made by BHEL that it is going to start the production of oxygen at its two units in the State. It is hoped that the process is expedited. The State also reports that the technical glitch that occurred at Sterlite Unit in Thoothukudi has been taken care of and a supply in

excess of 6 MT of oxygen was made to the Thoothukudi Government Hospital in the last couple of days.

5. The report filed by the State indicates the commencement of the vaccination drive for the 18-plus age group today. However, it does not appear that there may be sufficient doses of vaccine available. Suggestions have been made for looking into the Sputnik vaccine which has been successfully tested and the single-dose version thereof. Some of the intervenors have also referred to the protection given by the two doses of vaccine already administered or in the process of being administered to cover not even a period of a year. There has to be some clarity in this regard, particularly by the Centre on the basis of any scientific study that may have been conducted, as to when those already vaccinated would require another round of vaccination. The procurement plan for such vaccine should also be in place.

6. There are complaints that some of the test results are being announced on a day-after or several days-after basis. It is submitted that if a person finds that he has tested positive four

days back, he would have been a super-spreader in the interregnum. Every endeavour should be made by the testing centres in the State to declare the results as expeditiously as possible so that a person who is afflicted by the virus can immediately quarantine himself if he is asymptomatic and the further spread may be arrested.

7. Concerns have also been expressed regarding the somewhat exorbitant demands made at several crematoria in the State, including in the city of Chennai. The State Government should instruct the local authorities to ensure that there is an element of dignity when the last rites of any person are performed. The several reports of unlawful demands in crematoria must be immediately addressed. The local administration should come down heavily on those responsible and ensure there are checks in place at all the crematoria.

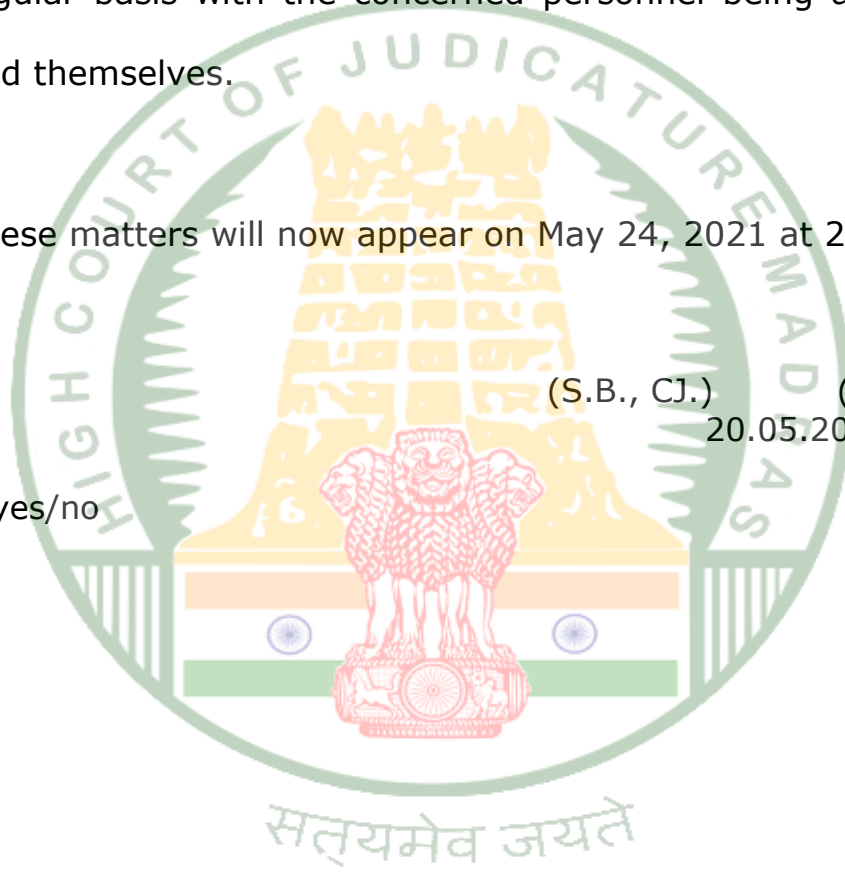
8. On the work of sanitisation, the Greater Chennai Corporation has filed an affidavit indicating that the wanton use of disinfectants have an adverse affect. However, to the extent

possible, a drive ensuring cleanliness should be undertaken all over the State. To the extent sanitisation in the use of sprays and disinfectants are effective, particularly at dumpsters and where garbage may be collected or deposited, measures should be taken on a regular basis with the concerned personnel being adequately protected themselves.

These matters will now appear on May 24, 2021 at 2.15 pm.

(S.B., CJ.) (S.K.R., J.)
20.05.2021

Index : yes/no
sasi

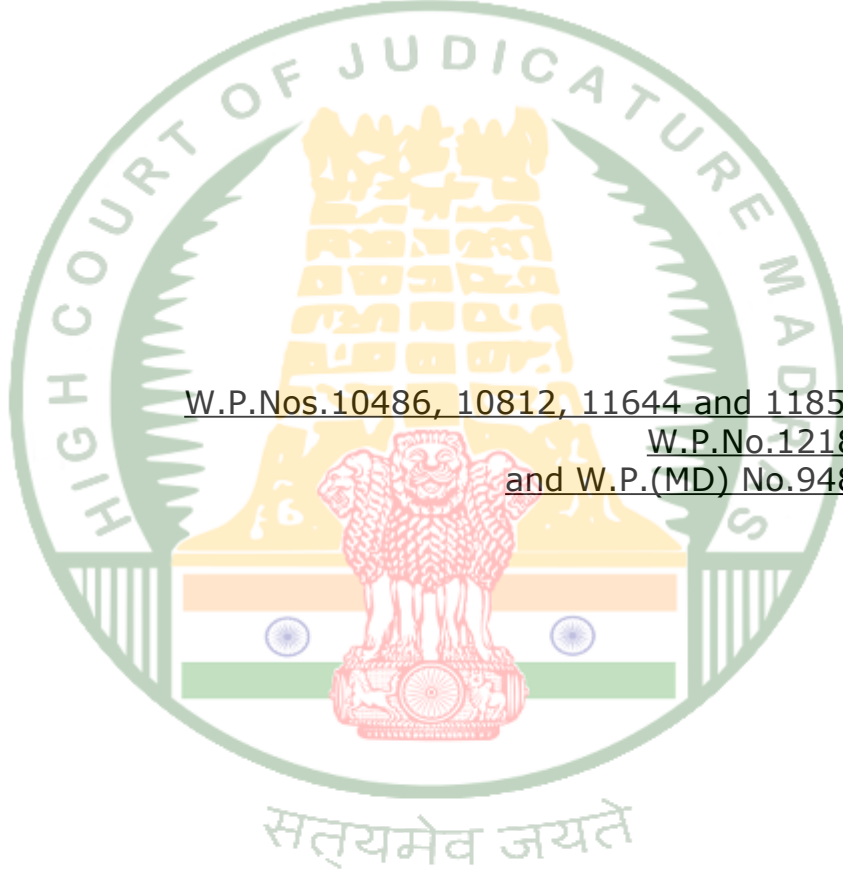


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W.P.No.10486 of 2021 etc.

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

(sasi)



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