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THE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH
AT JABALPUR

(Division Bench)

W.P. No.8914/2020

In Reference (Suo Motu) vs. Union of India and others)

Coram:

Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice
Hon'ble Mr. Justice Atul Sreedharan, Judge

Presence :

Mr. Naman Nagrath, Senior Advocate with Mr. Jubin Prasad, Advocate appeared as *Amicus Curiae*.

Mr. Purushaindra Kaurav, Advocate General, Mr. Pushpendra Yadav, Additional Advocate General and Mr. Swapnil Ganguly, Deputy Advocate General for the respondents/State along with Mr. Mohammad Suleman, Additional Chief Secretary, Directorate of Health Services, Govt. of M.P. and Ms. Chhavi Bhardwaj, Managing Director, National Health Mission, M.P.

Mr. Jitendra Kumar Jain, Assistant Solicitor General and Mr. Vikram Singh, Advocate for the Union of India.

Mr. Shivendra Pandey, Advocate for the respondent No.5 - Indian Medical Association.

Mr. Shreyas Pandit, Advocate for the respondent No.8 - Madhya Pradesh Nursing Home Association.

Mr. A.M. Mathur, Senior Advocate assisted by Mr. Abhinav P. Dhanodkar, Advocate for the intervenor/Shanti Manch Samiti.

Shri Siddharth Gupta, Advocate for petitioner in W.P.No.9487/2021.

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Mr. Manoj Kumar Sharma, Advocate-President, High Court Advocates' Bar Association, Jabalpur; Mr. Shashank Shekhar Dugwekar, Mr. Ajay Gupta; Mr. Sanjay Kumar Verma; Mr. Sanjay K. Agrawal; Mr. Ajay Raizada, Mr. Rajesh Chand; Mr. Anoop Nair; Mr. Nikhil Tiwari; Mr. Sampooran Tiwari; Mr. Asheesh Poddar; Mr. Gaurav Panchal; Mr. Ashutosh Sharma; Mr. Dinesh Kumar Upadhyay; Mr. Zaki Ahmad; Mr. Sunil Gupta; Mr. Rahul Gupta; Mr. Rohit Jain; Mr. Aditya Dev; Mr. Yash Sharma; and Mr. Ashish Mishra; Advocates appeared for the respective intervenors.

Applicant/intervener Yash Sharma in person in I.A.No.4949/2021.

Mr. Abhinav P.Dhanodkar, Advocate for the intervener in I.A.No.5081/2021.

Applicant/intervener Prashant Gwaliary Jain in person in I.A.No.5085/2021.

Mr. Asheesh Poddar, Advocate for the applicant/intervener in I.A.No.4723/2021.

Mr. Dinesh Upadhyay, Advocate for the applicant/intervener in I.A.No.4858/2021.

Mr. Sanjay Verma, Advocate Advocate for the applicant/intervener in I.A.No.4669/2021.

Mr. Samresh Katare, Advocate Advocate for the applicant/intervener in I.A.No.4807/2021.

Mr. Bhoopesh Tiwari, Advocate for the applicant/intervener in I.A.No.4801/2021.

Shri Abhinav Malhotra, Advocate for the applicant/intervener in I.A.No.5141/2021.

Whether approved for reporting: No.

Heard through Video Conferencing.

ORDER (Oral)
(24.05.2021)

Per: Mohammad Rafiq, Chief Justice:

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1. Heard on IA Nos.4949/2021 and 5081/2021:

These two interlocutory applications have been filed through applicant/intervener Yash Sharma and Shri Abhinav P. Dhanodkar, Advocate on behalf of applicant/intervener Shanti Manch Samiti, respectively, praying for an appropriate direction to the respondent/State to ensure availability of required medicines for treatment of Black Fungus (Mucormycosis) and to control cost of such treatment.

Since on the same subject matter, I.A.No.5089/2021 filed by learned Amicus Curiae is pending, these two applications i.e. IA Nos.4949/2021 and 5081/2021 are disposed of with liberty to the applicants to give suggestions at the time of hearing of the aforesaid application.

2. Heard I.A.No.5085/2021

This application has been filed by applicant/intervener Prashant Gwaliary Jain prayer for a direction to the State Government to install CT-Scan and MRI machine in Medical College/District Hospital, Ratlam.

Already on this subject-matter, Mr. Naman Nagrath, learned Amicus Curiae has addressed the Court and another Public Interest Litigation is also pending, therefore the applicant may address

separately or assist the learned Amicus Curiae during the hearing of the PIL.

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Accordingly, I.A.No.5085/2021 is disposed of.

3. Heard on I.A.No.4723/2021

This application has been filed by applicant/intervener Smt. Sushila Poddar praying that she was given time-slot on 2.5.2021 between 1.00 PM and 3.00 PM vide reference I.D.NO.9911369695870 for vaccination, but no such vaccine was provided to her. In this regard, she made complaint No.666 through Covid Control Command on 1075 and C.M. Helpline number vide complaint No.14019637 on 2.5.2021 for her vaccination.

In view of above, we direct that upon the applicant/intervener approaching the Chief Medical and Health Officer, Jabalpur, he shall ensure that time slot is provided to her for the purpose of vaccination and she is vaccinated.

With this direction, I.A.No.4723/2021 is disposed of.

4. Heard on I.A.No.4858/2021:

This application has been filed by applicants/intervenors Nagrik Upbhokta Margdarshak Manch through its President Dr. P.G.Najpande and Rajat Bharhgva, inter alia with the prayer that the State Government be directed to also provide the cost of medicines for treatment under the Ayushman Bharat Nirmayan Yojna for treatment of the persons covered in that scheme. It is contended that card holders under the Ayushman Bharat Nirmayan Yojna are even though provided other expenses such as CT-Scan and MRI and other hospital

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charges, but the recent order issued by the State Government on 6.5.2021 does not include the expenditure incurred for the medicines by such patients.

Mr. P.K.Kaurav, learned Advocate General submits that the apprehension of the applicants is imaginary and not real. All the Cards Holders under the Ayushman Bharat Nirmayan Yojna, who are being treated in hospitals approved for treatment under the Ayushman Bharat Nirmayan Yojna, are also eligible for reimbursement of the expenditure incurred for medicines. He further submits that a fresh clarification in this regard shall be separately issued.

In the light of the above statement of the learned Advocate General, I.A.No.4858/2021 is disposed of.

5. Heard on I.A.No.4669/2021:

This application has been filed by Shri Sanjay Verma, Advocate praying for a direction to the State Government to take appropriate action against the erring persons for selling fake Remdesivir and other spurious drugs for committing offences of murder under Section 302 of the Indian Penal Code, apart from those under National Disaster Management Act, Epidemic Diseases Act, 1897 and the Drugs and Cosmetic Act, 1940. He further prayed that if eventually the accused/erring person is convicted for offences under Sections 17, 17A and 17B of the Drugs and Cosmetic Act, 1940, the affected persons or in case of death, the family members of the deceased, be granted adequate compensation as per provision of Section 27 of the Drugs and Cosmetic Act, 1940.

Hospital, Jabalpur in accordance with the findings recorded in the Magisterial Enquiry conducted in the matter.

Mr. P.K.Kaurav, learned Advocate General submits that the FIR has already been lodged and the investigation is going on in the above matter.

In view of above statement made by the learned Advocate General, no order needs to be passed. I.A.No.4801/2021 is accordingly disposed of.

8. I.A. No.5141/2021

This application has been filed by Shri Abhinav Malhotra, Advocate for quashing of the order dated 20.5.2021 passed by the Collector, Indore by which a complete lockdown has been imposed in the Indore city and supply of all the essential items have been stalled.

It is submitted that on 3.5.2021, the Collector, Indore in exercise of powers conferred under Section 144 of the Cr.P.C. passed an order imposing stringent restrictions and restricted the movement of the people outside their homes, directing that the *Kirana* and daily needs shops would remain open only for 2 days i.e. Monday and Friday of every week from 6:00 a.m. to 5:00 p.m. This witnessed lot of crowd in the shops and eventually on review of the aforesaid order, a fresh order was issued on 16.5.2021 allowing the shops to open for 5 days in a week; from Monday to Friday, so that the people may come out to buy essential items on different days and there is less crowd at the same time. But suddenly an order dated 20.5.2021 has been issued directing that from 21.5.2021 to 29.5.2021 there would be

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complete and total lockdown in the city of Indore and grocery shops, daily need shops, fruits and vegetable vendors would also keep their shops closed. This has created huge difficulty for the resident of Indore, inasmuch as, the small vendors and shop keepers having stock of fruits, vegetables and other essential perishable items would suffer huge loss and people at large, who are dependent for their day to day needs on such stalls/shops and many of these fruits and vegetable vendors, who belong to the vulnerable section of the society and are depended on their daily earnings, would suffer hugely.

In our opinion, the Collector, Indore should review his order and ensure just and equitable method of having all grocery shops, daily need shops, fruits and vegetable vendors, open during specified hours of five days a week so that neither the residents of Indore city nor the small vendors face any hardship.

Shri Purushaindra Kaurav, learned Advocate General on being required by the Court has apprised the Collector, Indore of the opinion of the Court and has ensured that the Collector, Indore shall review his order and pass necessary corrigendum in this regard today itself to be effective from tomorrow.

With the aforesaid directions, I.A. No.5141/2021 is disposed of.

9. Heard on I.A.No.4680/2021

Learned Advocate General prays for is granted time to seek instructions and file reply to this application.

Heard on **I.A. No.4792/2021, 4793/2021 and 4794/2021.**

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10. Mr. Naman Nagrath, learned Amicus Curiae referring to **I.A.No.4794/2021** submitted that the State Government should be required to demonstrate its preparedness to deal with the apprehended third wave of Covid-19 and submit the time frame and action plan to vaccinate the entire population of the State. He submitted that out of 52 districts in the State, 31 districts do not have any ICU beds and 16 are such which do not have ventilators. Most of the District Hospitals including most of the Medical Colleges, do not have CT-Scan machines. Learned Amicus Curiae in this connection has invited attention of the Court towards report filed as Annexure IA-4 published in India Express on basis of the meeting of the Cabinet Secretary of the Union Government with the Chief Secretaries of the different States convened after the onset of second wave of Covid-19. Learned Amicus Curiae also invited attention of this Court through I.A.No.4793/2021 that most of the ventilators provided to the State under the PM CARES fund are lying non-functional due to non-availability of expert technicians. He submitted that 76 such ventilators at Bundelkhand medical College, Sagar, 24 ventilators at Government Hospital Shahdol, 2 ventilators at Alirajpur and 2 ventilators at Kanti are reportedly lying unused.

11. Even though the learned Advocate General submitted that out of 76, 70 ventilators in Sagar have also been made functional but despite our order passed on 19.5.2021, the State Government has not given district-wise details about the availability of ventilators and has not clarified as to how many ventilators are functional and how many are

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not and whether or not such ventilators are available in Medical Colleges/District Hospitals and that there is no additional requirement of the same. We require the State Government to place on record the status of the district-wise availability of ICU beds and ventilators in Government Hospitals. We impress upon the State Government to take steps for installation of atleast one CT-Scan machine in all the district hospitals/Medical Colleges and such number ICU beds and Ventilators in District Hospitals as may be required depending on the basis of studies and datas of the second wave of Covid -19 so as to make preparedness for the apprehended third wave of Covid-19.

12. Learned Amicus Curiae has also referred to **I.A.No.4792/2021** inviting attention of the Court that the State Government has not taken any effective measures regarding fixation of the maximum rates for treatment of the Covid patients in various Private Hospitals/Nursing Homes by indicating capping of the such charges, in compliance of the order passed by this Court on 19.4.2021. Learned Amicus Curiae submitted that pursuant to the order passed by this Court on 19.5.2021, he had interaction with the representatives of the Indian Medical Association and M.P. Nursing Homes Association. According to him, the discussions resulted into fruitful suggestions. They are ready to make addition of 40% as directed by the State Government in its order dated 4.9.2020, invoking its power under the National Disaster Management Act and Epidemic Diseases Act, on the charges reflected in the bills of various kind of the treatments and facilities provided by them (private hospitals/nursing homes) in the month of

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January and February 2020 immediately before the start of the pandemic.

13. This Court in its earlier order dated 19.5.2021 required the learned Advocate General to file a specific response as to why direction No.5 contained in earlier order of this Court dated 19.4.2021 has not been complied with so far and what the State Government proposes to do with regard to rationalization of the charges by the private hospitals and for fixation of the capping thereof. Learned Advocate General invited attention of this Court to the order dated 20.5.2021 recently issued by the Health Commissioner, Public Health and Family Welfare Department constituting a committee comprising of Director, Medical Education with other Government functionaries, to prescribe the rates of the package for treatment of Covid patient in private hospitals.

14. In our considered opinion, the package method of charging has to be discouraged and the suggestion which has emerged in the deliberations made by the learned Amicus Curiae with the representatives of the Indian Medical Association and M.P. Nursing Homes Association that charge for the various kind of treatments and facilities being provided by the nursing homes and private hospitals in the months of January and February, 2020 may form basis of adding 40% thereto, to fix outer limit capping of charges taken for treatment of Covid 19 patient which appears to be reasonable criteria and would be beneficial to the public at large and save them of undue exploitation. The Committee constituted by the State Government in

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this behalf may consult the representatives of the Indian Medical Association and the M.P. Nursing Home Association and also learned Amicus Curiae for finalization its process.

15. Learned Advocate General submits that there may be a situation when the charges would have to be newly prescribed for a new kind of ailment. In the first place, there can be hardly any scope of such argument because for whatever ailments, the patient used to be admitted to the hospitals, prior to the onset of first Covid wave, capping for the charges of treatment may be arrived at by adding 40% thereto as per order of the Government dated 4.9.2020. If at all any other kind of treatment, not prescribed earlier, is found, the representatives of the Indian Medical Association and M.P. Nursing Homes Association apprise the Committee, which may prescribe reasonable rate for such treatment. Necessity of classification of the hospitals in different categories would stand obviated by adopting this method, for whatever charges were taken by different private hospitals in bigger or smaller cities for treatment of patients, in January and February, may form the basis of fixation of capping in all such hospitals for treatment and by using this method no prejudice is going to be caused to them. All such private hospitals and nursing homes may produce before the CMHO of the concerned district the proof of the billing and their audited accounts for the required purpose.

16. Learned Advocate General submitted that the State Government shall issue necessary orders to undertake the exercise for fixation of

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charges for treatment of Covid-19 patient in the private hospitals/nursing homes within a period of one week by indicating capping of such charges as per direction No.(v) of the order dated 19.4.2021 passed by this Court.

Heard on **I.A. No.5089/2021**.

17. Learned Amicus Curiae has invited attention of the Court to I.A.No.5089/2021 praying that appropriate direction be issued to the State Government to declare Black Fungus (Mucormycosis) as “notified infectious disease” and that State Government be directed to regulate supply and cost of Amphotericin-B injections and any other medicines that would be required to treatment of Mucormycosis, so that patients and their families are not exploited. The learned Amicus Curiae informed that in the State there are more than 1000 patients of Mucormycosis and that one patient would require 50 to 100 vials of Amphotericin-B and according to him, on an average, 75 vials are required per patient. At this rate, the requirement as of today is of 7,50,000 vials, as against which, the availability of 6426 vials of Amphotericin-B injection is wholly inadequate and hardly anywhere near the actual required doses.

18. Learned Advocate General has referred to Action Taken Report filed today and submitted that the State Government has taken due cognizance of the reported cases of Mucormycosis and technical guidance of the State Technical Advisory Committee for early identification and appropriate treatment of the infective disease.

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Online training for all the treating teams and administrative officers have been conducted on 11.5.2021 and 12.5.2021. The dedicated units for management of Mucormycosis have been set up in five Medical Collges at Indore, Bhopal, Gwalior, Jabalpur and Rewa. The Post Covid Management wards have been set up in all District Hospitals for early detection of probable cases of Black Fungus with due referral for consultation and management by team of specialists of broad specialty ENT, Ophthalmology, Dental, General Surgeons and Neurosurgeons in Medical Colleges. The Mucormycosis has been notified as a “Notifiable Disease” vide order dated 21.5.2021 under the Epidemic Disease Act, 1897 and M.P. Public Health Act, 1919. As regards to availability of medicine Amphotericin-B, learned Advocate General submitted that the State raised purchase orders for 31078 vials of Amphotericin Injection-B from various domestic manufactures such as Mylan (10950 vials), Sun Pharma (7000 vials), Bharat Serum and Vaccines (1128 vials) and Cipla Ltd. (12000 vials). But the State Government has so far received 6426 vials of Amphotericin B injections. Additionally, it has received 12000 tablets of oral antifungal Tab Posaconazole for management of Mucormycosis for stable patients. Learned Advocate General submitted that the State Government is ready to procure this medicine even without procedure for formal tender from anywhere in the world market, wherever it is available and efforts are being made in this regard.

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19. Mr. Akash Tripathi, Health Commissioner, Government of M.P. submitted that the State Government is making all efforts and approaching the Central Government regularly for increasing the supply of Amphotericin-B injections. In the private sector, Amphotericin B is received from the manufacture by the C & F agents and stockists and the same is to be sold only on the prescription of registered Medical Practitioner and issued to super specialty hospitals/Nursing Homes/Medical College where treatment of Black Fungus is possible. The OTC sale of the antifungal injection Amphotiericin B is curtailed. The stockists are directed to raise appropriate purchase order with the domestic manufacturers so that there is no dearth in supply. It is submitted that there are 5 manufacturers in the country, which can supply this medicine.

20. We can imagine the plight of the patients infected with such deadly disease, which may eventually result into death. We impress upon the State Government to effective take steps so as to save the life of more than 1000 patients who are infected and many more who may be infected during the course of time. We hope and trust that the State Government with the aid and assistance of Central Government would act promptly, with utmost sense of urgency, to immediately procure this medicine and provide the same to the needy persons.

21. As regards the vaccination, learned Advocate General submitted that as per vaccination policy of the Government of India, 50% of the total vaccine manufactured is routed to the Government of India channel from where Government of India makes allocatioin to the

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States for the 45 plus age group and the remaining 50% supply is routed to the other than Government of India channel i.e. for the States and private sector to order and procure themselves directly with the manufacturers. Within this 50%, half (25% of the total produce) is made available to the States while the remaining 25% is available to the private Sector and industrial sector for placing purchase orders. Based upon the said policy, the State Government has divided population of the State in two groups i.e. one between 18 to 45 years age group and second above 45 years. It is submitted that the Government of India has agreed to provide vaccines to the State Government to all those falling in the category of above 45 years age. However, for vaccination to those falling in the age group of 18 to 45 years, the State Government has to itself arrange for their vaccination. The State Government has taken a decision to procure the vaccine under liberalized policy through “other than Government of India channel” and administer it free of cost to its beneficiaries. But so far State of M.P. has received a total 96.12 lakhs doses of vaccine from the Government of India against which, a total of 87.61 lakhs doses have been administered. Out of these, 71.71 lakhs doses were administered as first dose and another 15.90 lakhs doses were administered as second dose to health care providers, frontline workers and citizens of the age group of above 45 years. It is submitted that the State has issued the purchase order for 5.17 crores doses of vaccine (covishield and covaxin) to administer two doses of vaccine to age group of 18 to 45 years and made the payment of

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Rs.42.48 crores for 15 lakhs doses. So far the State Government has received 2.5 lakhs doses of vaccine from the manufacturer and accordingly started vaccination of age group of 18 to 45 years from 5.5.2021. Till now, 92682 beneficiaries have been vaccinated in the age group of 18 to 45 years. On a specific query by this Court whether upto what time, the State Government would be able to cover the vaccination to age group of 18 to 45 years, learned Advocate General has invited our attention to the chart at page 11 of the 4th Action Taken Report showing that by the end of January, 2022, vaccination may be administered to almost all the beneficiaries.

22. It is submitted that the Central Government as per the aforesaid policy was required to supply to the State of M.P. a total 17.41 lakhs of vaccination doses towards 18-45 years age group, but as of now has actually supplied only 11.45 lakhs doses. Similarly, for all those who are above 45 years, in the month of May, 2021, the Central Government had to supply 30.53 lakhs doses but as of today has supplied only 11.19 lakhs doses. As against both categories, there is short supply of 19.44 doses at this stage. Apart from this, the State Government has placed orders of 5.97 crores doses of Covid-19 vaccine with the two available manufacturers i.e. Serum Institute of India (Covishield vaccine) and Bharat Biotech (Covaxin vaccine). The payment has also been made towards the first 22.5 lakhs doses as per the allocation for the month of May and June, 2021. However, considering that the local manufacturers are not able to supply the required doses of vaccine, the State Government is preparing to issue

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global tender for purchase of 10 million single doses of Covid-19 vaccine. The tender document in this regard is ready and has been placed for appropriate approval.

23. Shri Siddharth Gupta, learned counsel for the petitioner in W.P.No.9487/2021 submitted that 10 million doses of vaccine could hardly be sufficient to cater to the need of citizens above 18 years age group out of total population of 73 million. According to him, minimum 50 million doses would be required. It has been argued by Shri Siddharth Gupta, that with procurement of more number of doses, the prices will come down substantially. Even otherwise, the State Government is mandated by Article 21 of the Constitution of India to procure and provide doses to all the citizens regardless of the price, health being State subject under entry 6 of List VII of the Constitution of India.

24. Ms. Chhavi Bhardwaj, Managing Director, National Health Mission, M.P. submitted that proposed tender documents has a stipulation that apart from 10 million doses, the successful bidder may be required to supply additional 10 million doses and thus in fact the procurement would be automatically for 20 million of doses.

25. In our opinion, since as per Action Taken Report filed today by the State Government, tender has not been issued so far, the State Government may consider suitably increasing the number of doses for procurement through the global tender based on the actual requirement, particularly when each person is required to be given two doses for complete vaccination.

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26. Shri Naman Nagrath, learned Amicus Curiae has submitted that even though many orders have been issued for procurement of vaccine through global tender by different States, but there is no positive response from the manufacturers in the international market. It is submitted that major manufacturers in the international market like Pfizer and Moderna in response to global tender issued by the State of Punjab have categorically stated that they will directly deal with only the Central Government and not the State Government. Apart from this, learned Amicus Curiae submitted that the order dated 15.4.2021 issued by the Central Drugs and Standard Control Organization may prove to be a stumbling block for the major manufacturers to directly deal with the State Government as it has placed several restrictions before an outsider manufacturer is allowed to supply the vaccination for use by the different State Governments. According to Shri Naman Nagrath, all such manufacturers who have already received approval by the US FDA, EMA, UKMHRA, PMDA Japan and WHO should not be required to go through the onerous procedure given in order dated 15.4.2021 again which according to him may take several weeks and the Central Government should consider relaxing this order in respect of manufactures approved by these bodies of international repute.

27. Shri Siddharth Gupta, learned counsel appearing to the petitioner submitted that since all the State Government are finding it difficult to directly procure vaccination from the manufacturers located outside the country, the Central Government ought to procure

the vaccine for all the State Government so that supply can be procured in bulk quantity, which eventually would reduce the final pricing.

28. This can be safely concluded from the submissions made before this Court that the State Government has not received even half of the promised quantity of the vaccination doses for the month of May 2021, either from the Central Government for the age group of 45 and above or even from two major manufacturers within the country in response to orders placed with them. The global tender issued by the different State Governments have also failed to yield in positive result. Serious doubts have been raised whether such an exercise is likely to make sufficient quantity of vaccination doses available to the State within coming months. As per the projection given by the State Government before this Court, the vaccination for the people of State falling in two age groups 18 to 45 and above can be achieved by the end of January, 2022 provided the required number of vaccination doses are regularly supplied as per timeline provided by the Central Government and the local manufacturers i.e. Serum Institute of India and Bharat Biotech but the learned Advocate General has been fair enough in submitting that if this timeline is not adhered to, achieving the target of inoculating people in above referred to two age groups by end of January 2022 may be a distant possibility.

29. In our considered opinion, the Central Government ought to reconsider efficacy of its vaccination policy. So far as all major vaccinations in the country in the past have always been sponsored by

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the Central Government. The country today is confronted by an unprecedented crisis situation like the one never seen before. The Central Government should consider taking upon itself the responsibility of providing required number of vaccination doses to the State by setting up more and more units in all the States with required licence from the local manufacturers, to ramp up the production of the vaccination on war footing. Additionally, the Central Government should by itself consider procuring the vaccination doses in sufficient quantity from the manufacturers from outside the country to provide the same to the States, rather than leaving it upon the States to do so. The Central Government in this regard should also consider suggestion of the learned Amicus Curiae for relaxing the rigour of the order dated 15.4.2021 issued by the CDSCO. The Central Government should also consider procuring the medicine Amphotericin-B or any other equivalent medicine by setting up more number of manufacturing unit within the country or from outside the country wherever, they may be available for immediately treatment for saving hundreds of precious lives of the citizens.

30. Shri Vikram Singh, learned counsel for the Union of India submitted that he will have to seek instruction and apprise this Court about the stand of the Government of India in this behalf on the next date of hearing.

31. Learned Advocate General submitted that the pressure of the hospitals throughout the State has now been reduced substantially regarding admission of the patients inasmuch as demand of the

oxygen and Remdesivir. However, as regard the preparedness of the State Government for apprehended third wave of Covid-19, he shall file a detailed affidavit/Action Taken Report to apprise this Court about the stand taken by the State Government on the next date of hearing.

Matter to come up on **31.5.2021**.

(Mohammad Rafiq)
Chief Justice

(Atul Sreedharan)
Vacation Judge

C.

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