

Date: 27.03.2020

To,

**The Hon'ble Chief Justice,
High Court of Bombay,
Mumbai, Maharashtra.**

Subject: Inadequacy of the Medical Preparedness for the Covid-19 Outbreak by the Government of Goa.

Your Lordship,

We are writing to you with utmost urgency and requesting you to take suo moto cognizance of the issue herein with respect to the lack of medical preparedness in tackling the Covid-19 outbreak pursuant to the recent events that have transpired in the State of Goa. The Courts have always stood as the guardian and protector of Fundamental Rights of the citizens. We, Gauravvardhan Nadkarni and Jay Mathew are informed and concerned citizens of the State of Goa and are recent law graduates. We fear the unpreparedness by the State Government in dealing with this pandemic and therefore are appealing to your Lordship to take appropriate action. Today, in uncertain times such as these, we write to you not only in the interest of the public at large, but also in fear for what the future has in store for us. The heartbreaking lessons of Italy, Spain and the United States have shown us how important it is to be prepared and not underestimate the severity of this outbreak. Moreover, these are countries with the best healthcare systems. Therefore, the State Government ought to vigorously take measures to ensure preparedness by actively testing people for community spread and setting up quarantine facilities with requisite medical equipment.

In order to effectively tackle this outbreak, the Union and the States have invoked two legislations, i.e., The Epidemic Diseases Act, 1897 and The Disaster Management Act, 2005. Whereas the former, as the year of enactment suggests, is a colonial legislation and is brief to that effect. It is more of a guidance document and does not prescribe any scientific steps that the Government needs to contain or prevent the spread of the outbreak, such as this pandemic. Whereas the latter was enacted to provide an exhaustive administrative setup for disaster preparedness. While the State Government has been effective in enforcing a curfew and thereafter a complete lockdown, it has completely failed in preparing on the public health front.

The pretext of the National Lockdown was that, 'extraordinary situations demand extraordinary measures,' but the same can be seen to be flouted in the State of Goa. We understand that the matter has been already brought to the notice of the Hon'ble Goa Bench, but the same has been restricted in its approach to the availability of groceries and other nutritional essential

commodities. However, we believe that the main concerns which have to be addressed is that of the medical preparedness and capability to deal with this pandemic which developed nations around the world are struggling to cope with. One of the main features of the medical perspective of preparedness is that of forming a “Standard Treatment Guideline or Standard Protocol for Treatment,” which must be followed mandatorily. This Guideline/Protocol is not only warranted for by the Medical establishments, but also is the need of the hour. There does not seem to be any Formal Standard prescribed for the Doctors and the urgency of the same can be inferred from this unsettling scenario wherein two doctors at the public hospital have been said to be quarantined because of the inability in maintaining proper standard of care while dealing with potential coronavirus positive patients in Goa. If the same is allowed to continue, then not only the safety of the isolated patients but also the safety of the Doctors will be at stake. Moreover, when it came to the testing of coronavirus patients, there were no authorised testing facilities in the State jurisdiction. This resulted in a bare minimum of tests being conducted in this tourist destination. Therefore, the lack of testing of patients also draws reasonable fear as to what is yet to come and we must ensure we are prepared. The absence of a so-called Guideline Notification and ambiguity in regard to the medical preparedness has warranted us to write this Letter Petition.

The following information must be made available to the public by the Government:

- 1) A well drafted and authorised “Standard Treatment Guideline or Standard Protocol for Treatment,” with special notice to the safety of Doctors.
- 2) A complete report on the physical preparedness namely, the number of places of isolation, the number of beds at such a place, the number of ventilators at such a place, the availability of protective gear for the Doctors, and other medical staff etc.
- 3) The communication and readiness to include the Private hospitals and clinics for treatment and testing as done in several other States.

It is imperative that the State ensures several isolation wards across the State with requisite medical staff and equipment. It is pertinent to mention herien, the universal cry for ventilators in Covid-19 countries and therefore, it is a must that the State ensures that there are sufficient ventilators after the recent rise of 3 Covid-19 positive patients in a day’s time. Moreover, Private hospitals have still not been included for the purpose of isolation or treatment in the State of Goa. It is therefore urged that the State Government expediently prepare for the worst and take all measures to effectively tackle this pandemic.

In these uncertain circumstances, the faith and belief of the citizens lies with the administration and it is rather saddening to watch the Chief Minister address the citizens and making statements to disavow responsibility and “leave every citizen for themselves.” The State has in fact been very effective as compared to the other States in implementing a complete lockdown since the “Janta Curfew”, however, it is the lack of preparedness with respect to the public health system which is at the forefront.

Furthermore, after applying the Central Notification in its proper manner, the State Government must regulate the same with methods of social distancing, such as making markers for people to stand on and also regulating the number of people that can enter the concerned establishment. We realise that the same cannot be done in entirety by the State, but it can be achieved through a community model, wherein the establishments, citizens and government work together. The same models have proved to be major breakthroughs in the State of Delhi and the State of Kerala. It is for us to come together and be prepared and learn from other states and countries. We request your Lordship to take suo moto cognizance of the above mentioned issues and enquire into the same and take the appropriate action.

Thanking you in anticipation.

Jay Mathew and Gauravvardhan A.S. Nadkarni

