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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3032/2020 & CM APPL. 10552/2020

KARAN SETH

..... Petitioner

Through: Mr. Darpan Wadhwa, Senior
Advocate with Mr. Arjun Syal,
Ms. Manjira Das Gupta, Advocates.
Petitioner in person.

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Ms. Anjana Gosain with Himanshi, Advs.
for R-1.
Mr. Anand Varma, Advocate for
respondent No.4/AIIMS.
Mr. Rahul Mehra, Standing Counsel for
GNCTD.
Mr. Gautam Narayan, Adv. for GNCTD.
Mr. Parvinder Chauhan, Adv. for DUSIB.

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HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

08.05.2020

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A status report has been filed on behalf of respondent no.4 AIIMS and the same has been perused.

Mr. Mehra, learned standing counsel for GNCTD points out that GNCTD has also filed a list of hospitals which are offering free non-covid treatment. Mr. Mehra submits that out of 37 hospitals administered by the GNCTD, only 2 have been converted into exclusive COVID-19 facilities, and the remaining 35 hospitals continue to provide treatment to non- COVID-19 patients irrespective of their place of residence. The said list has been projected on the screen. Let

the same be served on learned counsel for the petitioner and other counsels in the matter during the course of the day through email.

Mr. Wadhwa has raised four aspects today. He points out that on the last date it was informed that that the persons housed in the rain basera/ night shelter would be shifted to Gargi School. The two lists prepared by the petitioner show that 76 persons were shifted to Gargi School, and 74 persons continue to remain at the rain basera/ night shelter. He submits that social distancing norms are not being maintained in respect of those who continue to be housed at rain basera/ night shelter.

Mr. Chauhan, who appears for DUSIB, points out that there are two kinds of accommodation provided by the DUSIB, namely, tents – which are erected on the footpath opposite AIIMS, and the night shelters – which are semi pucca structure with toilet facilities. He submits that the tented accommodation was created to deal with extreme cold conditions, and the same is not habitable in summer months and, accordingly, the occupants of the tents have been shifted to Gargi School. He concedes that the social distancing norms are not being maintained in the rain basera/night shelters, on account of the large number of occupants. He submits that it may be necessary to shift about 100 occupants, either to Vishram Sadan of AIIMS – if additional capacity is available there, or to Gargi School, or to Radha Swami Satsang at Bhati, wherever they could be accommodated.

Mr. Mehra submits that the facility at Radha Swami Satsang is very well managed. However, the said organization has to be consulted, in case, the occupants of the night shelter/ rain basera, or some of them, have to be shifted there. Mr. Mehra states that he shall instruct the DM-South to take up the issue with Radha Sawmi Satsang, Bhati to take in more inmates since, evidently, there is still capacity available at the said facility.

Mr. Varma shall also take instructions from the AIIMS whether these inmates of the night shelter, or some of them, can be accommodated within the Vishram Sadan of AIIMS, considering the fact that these patients are receiving treatment at AIIMS, and it would be more convenient if they are accommodated therein. Alternatively, the DUSIB shall also explore the possibility of accommodating some of them at Gargi School.

Let the position with regard to availability of each of the facilities be made available to the Court on the next date by the respective counsels.

The other aspect raised by Mr. Wadhwa is with regard to transportation facilities in respect of persons who have been shifted to Gargi School. He submits that these persons are not able to arrange private transport in these times, and also on account of their financial position that they find it difficult to travel to AIIMS to receive treatment. He points out that at Radha Swami Satsang facility at Bhati, the DTC has made available transportation and similar facility may also be provided at Gargi School.

Having heard Mr. Wadhwa and Mr. Mehra, we direct the DM-South to make transportation facility available to the inmates at Gargi School for them to be able to travel to AIIMS whenever required for the purpose of receiving treatment.

Mr. Wadhwa has referred to the status report filed by AIIMS and in particular para 2(c) thereof, wherein AIIMS has stated that in respect of further treatment of urgent and non-urgent patients, the same would be coordinated by forming batches of patients seeking consultation pertaining to specific departments at AIIMS, and the treatment shall be provided by team of experts. Mr. Wadhwa points out – and we find merit in his submission, that this statement of AIIMS require clarity, and it is not clear as to how exactly AIIMS

is proposing to provide treatment to non-urgent patients, who are housed either at Gargi School, or at rain baseras/ night shelters.

Let the AIIMS file a better status report in this regard before the next date with copies to other counsels.

Mr. Wadhwa has lastly pointed out that some of the patients at Gargi School and the rain baseras/ night shelters require semi-solid or liquid diet on account of their medical condition. He submits that though food is being provided by the GNCTD, the same does not meet the needs of some of such patients.

We direct the DM-South to look into this aspect and whichever patients at Gargi School or rain basera/ night shelter require special diet as semi-solid or liquid, they should be so provided.

List on 14.05.2020.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 08, 2020

N.Khanna/sr