

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Suo Motu Writ Petition (Civil) No(s). 7/2020

IN RE THE PROPER TREATMENT OF COVID 19 PATIENTS AND DIGNIFIED
HANDLING OF DEAD BODIES IN THE HOSPITALS ETC.

Date : 12-06-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) By Courts Motion

For Respondent(s) Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Rajat Nair, Adv.
Kanu Agrawal, Adv.

Mr. Sanjay Jain, ASG
Mr. Chirag M. Shroff, AOR

UPON hearing the counsel the Court made the following

O R D E R

The cognizance of suo motu writ petition has been taken on the basis of media reports and programmes aired in several channels presenting horrific scenes from LNJP hospital, which is a Covid dedicated hospital. The India TV, in its programme on 10th June 2020, has shown certain videos which indicate the pathetic condition of the patients admitted in the hospital and the deplorable condition of the wards. The patients are in the wards and the dead bodies are also in the same wards. Dead bodies are seen also in the lobby and waiting area. The patients were not supplied with any oxygen support or any other support, no saline drips were shown with the beds and there was no one to attend the patients. Patients are crying and there is no one to attend them.

This is the condition of the Government Hospital of Delhi which has capacity of 2000 beds. As per the Government App, only 870 beds were occupied in LNJP Hospital as on 11.06.2020. The Government App itself gives the details of beds occupied in the Government and Private hospitals in Delhi. In the Government hospitals, the number of beds is 5814, out of which 2620 are occupied. The reports also indicate that the patients suffering from Covid-19 are running from pillar to post to get admission in the hospitals whereas large number of beds are lying vacant in Government hospitals. The large number of beds in Government Covid Hospital being vacant in a situation where patients suspected of Covid-19 are running from pillar to post to get admission in any hospital tells about the mismanagement and sorry state of Government hospitals in Delhi. The State is not only duty bound to increase the number of beds but also to provide appropriate infrastructure and staff for manning the Covid-19 patients. The pathetic condition of the patients and improper care and treatment of the patients shown by the media has pained this Court. The State on whom the duty lies to take care of health of its citizens cannot abdicate its responsibility of ensuring that all hospitals including Government hospitals take care of the Covid-19 patients. The duty of the State of NCT Delhi does not end in informing the people that it has arranged 5814 beds in Government hospitals and 9535 beds including private hospitals. The State and its officers are also duty bound to ensure that patients are taken care, attended, provided all medical facility, the hospitals have necessary infrastructure and staff.

We have also noticed that the Government App of Delhi itself indicates that the number in testing of Covid-19 patients has gone down in the month of June, 2020 as compared to the month of May 2020. On 27th May 2020, the number of samples tested is 6018, on 9th June 2020, the number is 4670, on 11th June 2020, the total testing in Delhi is reported as 5077 whereas in the State of Maharashtra as 16,000 and in the State of Tamil Nadu as 17675. The media reports indicate that there is an increase in the number of patients affected by Covid-19 every day in the entire country especially in Delhi, Maharashtra, Tamil Nadu, Chennai and Ahmedabad. The number of patients increasing day by day is 10,000 or more per day. We do not understand why the tests have gone down in State of NCT Delhi. Non-testing of the patients is not a solution to the problem rather increase in the testing facility is the duty of the State, so that people may come to know about their health status regarding Covid-19 and they may take appropriate care and treatment of Covid-19.

We impress upon the States to ensure that there should be steep increase in the testing both by Government hospitals and private labs and whosoever desires for testing should not be denied on any technical ground or any other ground. The States may consider simplifying the procedure so that more and more tests be held to benefit the patients.

We have also noticed that apart from Delhi, there is a grim situation in the other States also, more particularly, in the States of Maharashtra, Tamil Nadu, West Bengal and Gujarat.

Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India submits that although there are Covid-19: Guidelines

on Dead Body Management issued by the Government of India, Ministry of Health & Family Welfare, Directorate General of Health Services on 15.03.2020 which are in the nature of directives, we notice that there is no proper adherence to the guidelines nor the hospitals are giving due care and concern to the dead bodies. The patients' relatives are not even informed for several days of the death of the patient as has been reported in the media. It is also brought to our notice that the details of cremation as to when the dead body will be cremated are not even informed to their close relatives. Due to which the families of the patients are not even able to see the dead bodies or attend their last funeral rites.

All these facts, which have been brought to the notice of the Court by the media reports, clearly indicate a very sorry state of affairs of the patients of Covid-19 in the Government hospitals in the NCT of Delhi as well as in other States.

We, thus, issue notice to the Union of India, NCT of Delhi, States of Maharashtra, West Bengal, Tamil Nadu and Gujarat as well as to the LNJP Hospital in Delhi. We shall also consider issuing notice to other states, Government and Private hospitals subsequently.

Mr. Tushar Mehta, learned Solicitor General accepts notice on behalf of the Union of India and Mr. Sanjay Jain, learned ASG accepts notice on behalf of the NCT of Delhi.

Let notice be served to other States through the standing counsel of the States as well as through the Chief Secretaries of the State Governments. LNJP hospital, Delhi be also noticed through its Director. We direct that the Chief Secretaries of the States

shall immediately take appropriate notice of the status of patients' management in the Government hospital in their respective States and take remedial action. Status report with regard to Government hospitals, patient care and the details of the staff, infrastructure, etc. should be brought before the Court so that appropriate directions be issued by the Court as found necessary on the next date of hearing.

Notice be issued today itself by the Registry.

List the matter on 17.06.2020 for further consideration.

Let the affidavit be filed either by the Chief Secretaries or Secretary, Ministry of Health and Family Welfare of the concerned States. With regard to LNJP hospital, Delhi, in addition to affidavit by the Chief Secretaries or Secretary, Ministry of Health and Family welfare, affidavit be also filed by the Director of Medical Superintendent of LNJP hospital. Referring to reports in media showing deplorable state of affairs in the hospital.

(MEENAKSHI KOHLI)
AR-CUM-PS

(RENU KAPOOR)
COURT MASTER