

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A

WP(C)(PIL) No.09 of 2020

Court on its own motion

For Respondent(s) : Mr. A.K. Bhowmik, Advocate General,
Mr. D. Bhattacharya, G.A.,
Mr. K. De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

HON'BLE MR. JUSTICE S. TALAPATRA

O_R_D_E_R

18/09/2020

(Akil Kureshi, CJ)

We have perused the affidavit dated 17th September, 2020 filed by Dr. Subhasis Debbarma, Director to the Department of Health & Family Welfare, Government of Tripura in response to our order dated 11th September, 2020. We had a detailed discussion with the learned Advocate General with respect to the contents of this affidavit which gives the facts and figures about the coronavirus handling by the State Government. We have some more queries on the basis of the information provided in the said affidavit as well as independently of it. We have discussed these questions with the learned Advocate General and would request the State Government to provide further information on these issues. While we record such queries, we would also be making a few observations and suggestions for the consideration of the State Government which in our opinion would enable the administration to handle the coronavirus care better.

(i) In the affidavit it is stated that the Government has made arrangements for engagement for Lab Technicians in every district. The break-up of engagement of such Lab Technicians district wise shall be given.

(ii) In the affidavit it is stated that as per the observations of the Central team which visited the State recently, the reasons for deaths due to the disease were attributable to the 3(three) factors.

(a) Not using mask properly;

(b) Not maintaining social distance;

(c) Late admission in the hospitals.

When the experts in the field put so much stress on proper use of face masks in order to reduce the possibility of transmission of the virus, we still find that large number of people move about in public places either without masks or without properly wearing the masks, thereby putting themselves as well as others to grave risks.

The State Government shall indicate the amount of fine being collected for breach of the directive of wearing masks in public places and the number of cases in which such fine has been collected. We would like to impress upon the Government to ensure that this rule is enforced to the maximum possible extent.

Maintaining social distancing in public places is also equally essential. The State Government may list the efforts being made to enforce this requirement. It may be a good idea to increase the awareness and tactical use of enforcement of this requirement of maintaining social distance.

(iii) It is stated that in certain situations home quarantine is permitted to a patient. The respondents shall provide the guidelines for such home quarantine, under what condition it is permitted and how this home quarantine is enforced. The affidavit shall also state how such a patient who has been home quarantined, is provided medical support in the form of testing, supplying medicines and medical guidance wherever needed.

(iv) From the affidavit we gather that AGMC & GBP hospital, Agartala is the only dedicated covid hospital in the State. It is stated that on 7th September, 2020 number of patients admitted in the said hospital were higher than the beds available for the treatment of the virus. The affidavit shall give the break-up of the admitted number of patients and available beds as on 7th September, 2020 as well as currently.

(v) From the affidavit we gather that besides the said hospital at Agartala there are dedicated covid health centres and covid care centres. The affidavit shall give the break-up of the capacity of these centres to treat patients.

(vi) It appears that AGMC & GBP hospital, Agartala is the only centre where ventilators are available. The number of ventilators available at present will be stated. The affidavit states that whenever a patient is to be shifted from elsewhere to AGMC & GBP hospital, it is done through dedicated ambulance having full equipments with continuous supply of oxygen. The number of such fully equipped units available in the State shall also be disclosed.

(vii) It appears that in Paragraph-6 of the affidavit-in-reply while giving break-up of active covid cases as on 16th September, 2020 in North Tripura it is stated there are 3074 patients which the learned Advocate General stated was an error and as on that date there were only 413 active cases in the said district. We take note of the statement and the clarification of the learned Advocate General.

(viii) The affidavit states that ILS hospital, Agartala has been authorized to admit covid patients. However, it appears that so far the State Government has not specified the maximum charges that such private hospital can collect from the patients. Efforts shall be made to negotiate the rates with the private hospital so that the relatives of the patients who wish to take treatment in a private hospital are not forced to pay unreasonable or exorbitant charges.

(ix) We would like to stress on the requirement of continuous communication from the hospital administration to the relatives of the patients. Having studied orders passed by the other High Courts and independently also, in our opinion for instilling confidence in the patients and the relatives it is extremely important that the administration gives constant update of the health condition of the admitted patient. Naturally large number of such admitted patients would be quite aged, having several other health issues such as diabetes, heart condition or weak lungs or kidneys. It is important for the members of the family of the patient to be assured that their relative who is admitted in the hospital is being well looked after and his overall health issues are being properly addressed. Even if these things are being done, it is

important that the same is communicated periodically to the relatives of the patient.

From the affidavit we gather that the State Government has published a dedicated mobile phone number on which all queries can be made in relation to the admitted patients. The administration shall consider whether providing just one phone line connectivity of which from remote centres may be suspect, would be sufficient for such purpose. We would like the administration to consider setting up a Special Inquiry Cell at AGMC hospital from where information may be available round the clock and the information on the health condition of all admitted patients is centralized at the said centre. This would go a long way in instilling confidence in the public health system and even if, as is bound to happen, in a given case something untoward happens, the relatives of the patient would be assured that it did not happen on account of lack of any efforts on part of the administration in administering proper treatment.

(x) Further affidavit shall provide the data of the number of testing done every day in last one week, the positivity rate of those who were tested and the current recovery rate in the State.

(xi) The administration may also consider setting up a centre for receiving complaints and suggestions. It is possible that either the patient or his/her relatives may have some issues with the treatment or the facilities at the covid hospital. If a complaint resolution mechanism is set up, genuine issues can be resolved.

(xii) We would expect the State administration to address the concerns of the medical and paramedical staff since their inputs would be most valuable.

(xiii) From the affidavit we gather that the Central medical team which had recently visited the State, has submitted a report to the State Government. Copy of the report shall be made available for perusal of the Court.

We take note of the concerns of the learned Advocate General that when the State is grappling with a pandemic of gigantic scales, it is important for all concerned to show maturity in dealing with the situation which alone can help us to tackle and eventually overcome the crisis.

Looking to the number of issues which arise, we request advocate Shri Somik Deb to assist the Court as an Amicus Curiae to which he has readily and kindly consented. The Registry shall supply him full set of the paper book of this petition along with the copy of the Government affidavit and orders passed.

List the matter on *28th September, 2020*. Copy of this order may be provided to the Government Advocate.

(S. TALAPATRA), J

(AKIL KURESHI), CJ