

**HIGH COURT OF TRIPURA
AGARTALA**

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

For Court on own motion : Mr. Somik Deb, Amicus Curiae.
For Respondent(s) : Mr. A.K. Bhowmik, Advocate General,
Mr. Debalay Bhattacharjee, G.A.

**HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI
HON'BLE MR. JUSTICE S. TALAPATRA**

Order

28/09/2020
(Akil Kureshi, C.J.)

Pursuant to our previous order dated 18.09.2020 the State authorities have filed an affidavit dated 27.09.2020 along with which certain data has been provided.

We have heard learned counsel Mr. Somik Deb who is assisting the Court as an Amicus Curiae as well as learned Advocate General. From the affidavit and the accompanying documents we notice that on 18th and 19th September, 2020 the State Government had carried out a special drive for violation of the directives for wearing masks in public. The figures of such violations detected and penalized are quite high. It may not be possible for the administration to carry on the drive at the same level of intensity, however, **we would request the State Government to ensure that the**

violations for not wearing masks are detected and penalty collected as per the rules and regulations.

By all accounts maintenance of social distancing and wearing of masks in public are the two most effective measures to stop the spread of the virus. This cannot be the sole responsibility of the administration. The members of the public also must be conscious and responsible. It is unfortunate that a measure, such as wearing of the mask which is simple and which is meant for the safety of the person himself or herself, needs to be enforced through coercive measures. Unlike the safety measures, such as wearing a seat belt in a car or helmet on a two wheeler, the person breaching the rule of wearing a mask in public not only exposes himself or herself, but also other members of the society by being careless. **We can only request the members of the public to aid the efforts of the administration by being more responsible and wear masks in public, particularly at congested public places like markets.**

We had called for the data of the testing and the positive cases for one week. Accordingly, along with the said affidavit the respondents have provided the data in connection with 15.09.2020 to 21.09.2020. These figures read as under:-

Date	Sample Tested	No. of Positive Case	Positivity Rate
15-Sep-20	4316	454	10.52%
16-Sep-20	4916	527	10.72%
17-Sep-20	3041	273	8.98%
18-Sep-20	4045	535	13.23%
19-Sep-20	4350	525	12.07%
20-Sep-20	2522	243	9.64%
21-Sep-20	3602	559	15.52%
Total	26,792	3,116	11.63%

Additionally, we have also gathered the data for period between 10.09.2020 to 14.09.2020 and 21.09.2020 to 27.09.2020 which reads as under:-

Date	Sample Tested	No. of Positive Case	Positivity Rate
10-Sep-20	4576	559	12.21%
11-Sep-20	4749	467	9.83%
12-Sep-20	4264	619	14.51%
13-Sep-20	3549	257	7.24%
14-Sep-20	4303	531	12.34%

Date	Sample Tested	No. of Positive Case	Positivity Rate
21-Sep-20	3505	557	15.89%
22-Sep-20	4281	472	11.02%
23-Sep-20	4873	428	8.78%
24-Sep-20	3253	340	10.45%
25-Sep-20	3322	298	8.97%
26-Sep-20	2652	320	12.06%
27-Sep-20	1813	193	10.64%

From these figures we can gather that the total number of tests between the period from 10.09.2020 to 16.09.2020 was 4500 or more, except on an isolated occasion of 13.09.2020 when it was slightly lesser. In the recent days the total number of tests carried out by the State administration has come down to 3253 on 24.09.2020, 3322 on 25.09.2020, 2652 on 26.09.2020 and 1813 on 27.09.2020. Learned Advocate General explained that this drop in the number of testing is primarily because the Government has decided to stop testing every person landing at the airport, railway station as well as in the international borders, which was previously done.

This may be a matter of Government policy with respect to which we have no comments to offer. However, if on account of this policy decision the testing capability of the Government has been spared, should it not be diverted for testing other members of the public which will give a better assessment to the administration about the current status of the coronavirus in the State. We would request the Government to consider this aspect.

While the Government is officially publishing the number of positive cases found in last 24 hours and the death cases due to coronavirus, it would be a good idea also to publish the total number of tests done during the same period. **If this is not being already done, we would require the administration to publish these figures also.**

The Central Expert Team had visited the State Government and during a weeklong stay had inspected the coronavirus treatment centres and had submitted a report, a copy of which has been supplied by the learned Advocate General to us. Mr. Somik Deb stated that he also has a copy of the report. This report has made various suggestions and recommendations for improvement of the coronavirus treatment. We are informed that the State Government has already initiated steps for implementing the

recommendations of the committee. **An action taken report shall be submitted before us on the next date of hearing.**

In the previous affidavit, it was stated that in number of cases patients were admitted in the Covid hospital very late. This resulted into a death rate going up. In other words, according to the Government if the patients had reported to the Government facility and were admitted in the Covid hospital earlier, a few deaths could have been avoided. In our view, this late reporting could also be attributed to the public perception about the facilities at the Covid hospital. If such public perception can be improved by ensuring members of the public that proper medical as well as other care such patients need will be provided, the reporting of such cases would be sooner. **We would request the Government to form a team of senior doctor/s and administrator who would periodically visit the Covid hospital, inspect the treatment and the facilities available at the centre and make recommendations and suggestions to the Government. If this is already done, the same shall be stated in the affidavit. Reports and suggestions of the team shall be shared with the Court.**

We notice that pursuant to our previous suggestion, the Government has already negotiated the rates of various treatments related to Covid care with the ILS Hospital which is a private hospital. This is a

positive step and ensures that a ceiling has been placed for various treatments that the hospital can charge from the patients and the hospital is not allowed to exploit the emergency situation that the patient and the relatives may have been put into. However, learned counsel Mr. Somik Deb drew our attention to the various charges that the said hospital is authorized by the administration to collect. He submitted that these charges are also on the higher side. He stated that the Government has specified the rates at which these treatments would be charged when the same is outsourced. **If there are any such rates fixed, the same shall be stated in the affidavit to be filed before the next date of hearing.**

Lastly, learned counsel Mr. Deb submitted that there were two internal reports about the quality of medical equipments, such as PPE kits which the Government had obtained. **If there was any such inquiry leading up to the reports as suggested, the affidavit shall disclose the details thereof.**

List the matter on 05.10.2020.

(S. TALAPATRA), J

(AKIL KURESHI), CJ