

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

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THE HONOURABLE MRS. JUSTICE M.R.ANITHA

Friday, the 30<sup>th</sup> day of April 2021/10<sup>th</sup> Vaisakha, 1943

WP(C) No.10659/2021(S)

PETITIONER

ADV. SABU P. JOSEPH, AGED 46 YEARS,  
SON OF T. A. JOSEPH,  
VICE-CHAIRMAN -LEGAL CELL, HUMAN RIGHTS FORUM,  
REG. NO. 186/IV/19, REGISTERED OFFICE AT B.NO. XX-638,  
CLASSIC TOWER, A.M. ROAD, PERUMBAVOOR, PIN-683 542,  
ERNAKULAM DISTRICT.

RESPONDENT

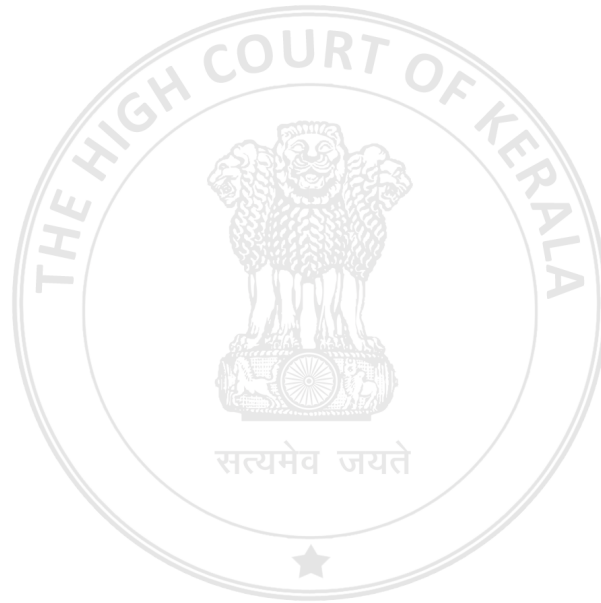
1. STATE OF KERALA,  
REPRESENTED BY THE CHIEF SECRETARY,  
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM, PIN-695 001.
2. DIRECTOR OF HEALTH SERVICES,  
DIRECTORATE OF HEALTH SERVICES,  
GENERAL HOSPITAL JUNCTION,  
THIRUVANANTHAPURAM, PIN-695 035.
3. INDIAN COUNCIL FOR MEDICAL RESEARCH,  
V.RAMALINGASWAMI BHAVAN, P.O.BOX NO.4911,  
ANSARI NAGAR, NEW DELHI, PIN-110029, REPRESENTED  
BY ITS SECRETARY AND DIRECTOR GENERAL.
4. UNION OF INDIA, REPRESENTED BY ITS SECRETARY,  
HEALTH AND FAMILY WELFARE, NIRMAL BHAVAN,  
NEW DELHI, PIN-110011.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents to re-fix tariff for the private hospital/nursing homes for the treatment of Covid-19 patients including charges of laboratories and Diagnostic Centers considering the common man with low income, pending disposal of the Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S C.N.SREEKUMAR,SURESHKUMAR.C, MANJU PAUL, Advocates for the petitioner and of SRI.K.V.SOHAN,STATE ATTORNEY AND SRI.P.VIJAYAKUMAR, ASG OF INDIA for R3 & R4 the court passed the following

For information purpose only

PTO



**DEVAN RAMACHANDRAN & M.R.ANITHA, JJ.**

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**W.P.(C)No.10659 of 2021**  
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**Dated this the 30<sup>th</sup> day of April, 2021**

**ORDER**

**Devan Ramachandran, J.**

This is no *deja vu* - what we are witnessing today is explained by the experts to be the 'second wave' of the COVID-19 pandemic.

2. The new wave inexorably brings with it memories of the experience of the first one, last year.

3. When the pandemic first hit us, a sense of anamorphic confusion and brooding uncertainty befell us.

4. Ordinary and hard working citizens were torn between the social and emotional fallout of distancing protocols and lock downs, on one hand and by the excruciating load of medical treatment costs on the other; which spurred several States to bring out notifications/orders capping and regulating such, last year.

5. When we confront the new wave of the pandemic, the impact is as grave, if not more.

6. We read a remark of a hapless patient somewhere

that 'it is easier to survive the shock of the disease than what is inflicted by the hospital bills'.

7. Inevitably, requests for rationalizing costs for treatment of COVID-19 are made, as has been done in this case.

8. The petitioner alleges that the costs charged by many of the hospitals in the private sector are exorbitant and irrational.

9. When we so hear the petitioner, we are equally cognizant that the role of the State in regulating costs in private hospitals is fraught with problems - both legal and procedural.

10. But when its citizens are being pushed to the precipice, the State has an unexpendable role to control and contain profiteering and the chase of lucre by any stakeholder - including private hospitals. This is more because the citizens obtain no reference point that defines a fair price: nor is it possible for him to secure access of a price range, based on scientific and acceptable methodology.

11. This can certainly be done only by the State.

12. We are told by the learned State Attorney Sri. K.V. Sohan that the Government had also issued an order last year, bearing No.GO.(Rt) 1246/2020 dated 06.07.2020, regulating the

costs of treatment in private hospitals and he says that the stipulations therein apply in full force force even as on date. He fairly added that the State will certainly consider after consulting all necessary stakeholders including managements of private hospitals, if any further downward revisions can be made and prayed that this matter be called on 04.05.2021, for such purpose.

13. We, therefore adjourn this matter to be called on 04.05.2021, for the State to respond with their suggestions in this matter, adverting to the specific contention of the petitioner that the situation today is in fact far more graver than in July, 2020, when the above mentioned Government Order had been issued.

List on 04.05.2021.

H/o.

Sd/-

**DEVAN RAMACHANDRAN**  
JUDGE

Sd/-

**M. R. ANITHA**

JUDGE

Shg