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HIGH COURT OF TRIPURA
AGARTALA

WP(C)(PIL) No.9/2020

Court on its own motion : Mr. Somik Deb, Amicus Curiae.

For Respondent(s) : Mr. S S Dey, Advocate General.
Mr. Debalaya Bhattacharya, Govt. Advocate,
Ms. Ayantika Chakraborty, Advocate.

with WP(C)(PIL) No.7/2021

For the Petitioner(s) : Ms. R Guha, Advocate.

For Respondent(s) : Mr. S S Dey, Advocate General.
Mr. Debalaya Bhattacharya, Govt. Advocate,
Ms. Ayantika Chakraborty, Advocate.

with WP(C)(PIL) No.8/2021

For the Petitioner(s) : Mr. P Roy Barman, Sr. Advocate,
Mr. Kawsik Nath, Advocate.

For Respondent(s) : Mr. S S Dey, Advocate General.
Mr. Debalaya Bhattacharya, Govt. Advocate,
Ms. Ayantika Chakraborty, Advocate.

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

O R D E R

25/6/2021

(Akil Kureshi, CJ).

We have perused the last affidavit, dated 23rd June 2021, filed by the Director of Health. We have taken into consideration the suggestions made by the learned Amicus Curiae and advocates appearing for the rest of the petitioners and learned Advocate General for the State. Following aspects emerge from such discussions:

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(i) From the daily Covid news bulletin published by the State Government, we notice that though the total tally of persons found positive may appear to have come down by a small margin, much of this must be attributed to reduced number of samples tested on a given day. The positivity rate in the recent past is lingering around 5% of the samples tested. Under the circumstances, we would expect the State administration to continue the vigil to enforce all lockdown restrictions and in particular, as pointed out by learned senior counsel Mr. P Roy Barman, ensure that large crowds are not allowed together contrary to the Government's Covid related directives.

(ii) We have also been closely observing and analysing the progress of vaccination in the State which is available in the different affidavits filed by the State Government as well as in the Covid bulletin being published by the State every day. It was suggested by some of the advocates that to ensure the highest possible coverage of Covid vaccines there is a need for bringing awareness amongst certain sections of the society. They also point out the difficulties of certain people who on account of incapacity such as extreme old age, physical infirmity or such unlike, are unable to go to Covid vaccination centres for receiving the

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vaccines. It was suggested that special arrangements may be made for such people.

At the first stage, let the State cover as many people as possible under vaccination programme as per the availability of vaccine doses with the State administration which will ensure maximum coverage of vaccination within the shortest possible time. The issue of those who are reluctant to receive the vaccines or are unable to travel to the vaccine centres though willing, will be addressed later.

(iii) An area of some concern which is shared by the advocates for the petitioners and which was first time previously raised by the Amicus Curiae is of certification of Covid death. It was argued that in some cases the death certificates do not clearly indicate that the patient died due to Covid. It was correctly pointed out that absence of the certification of a Covid death in the death certificate itself would make the task of the family members of the deceased to receive benefits of State as well as Central Schemes extremely difficult. As we are aware, there are Central as well as State schemes giving certain benefits to the family members of those who died due to Covid. Some schemes may come up in future. If the

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death certificates do not clearly indicate that the person died due to Covid, the family members would certainly face an uphill task in claiming such benefits.

The learned Advocate General shall clarify this aspect on the next date of hearing. In particular, following details shall be provided :

- (a) Whether the State policy mandates indication of Covid death in the death certificate itself whether the patient dies solely on account of Covid infection or coupled with any co-morbid condition?
- (b) What is the position of death certificate issued in cases of deaths which are declared by the State administration as Covid deaths?
- (c) Place on record if there is any Central or State Government notification or directives in this respect.
- (d) What is the position of the State administration if a person who may have recovered from Covid infection but dies shortly thereafter due to post-Covid complications whether coupled with or without comorbidity?

List on *9th July, 2021*.

(S TALAPATRA, J)

(AKIL KURESHI, CJ)