

AJAY BHALLA, IAS



गृह सचिव  
Home Secretary  
भारत सरकार  
Government of India  
North Block,  
New Delhi

D.O. No. 40-3/2020-DM-I(A)

28<sup>th</sup> December, 2020

Dear Administrator,

Kindly refer to Ministry of Home Affairs' (MHA) Order of even number issued today by which guidelines for Surveillance, Containment and Caution, that were issued vide Order dated 25.11.2020, have been extended upto 31<sup>st</sup> January, 2021.

2. As you are aware, while the number of active cases are declining steadily for last 2-3 months, the overall situation appears optimistic. However, keeping in view the fresh surge in cases globally and emergence of new variant of virus in United Kingdom, there is a need for maintaining caution and strict surveillance.

3. Strict vigil is also needed to be maintained to prevent any fresh surge in cases in wake of upcoming New year celebrations and ongoing winter season which are favourable for the spread of the virus. In this regard, appropriate measures may be taken by the State / UT Governments.

4. Further, Government of India has started preparations for administration and roll-out of vaccine for COVID-19. The National Expert Group on Vaccine Administration for COVID-19 (NEGVAC) has recommended prioritization of this vaccine during the initial phases to Health Care Workers, Front Line Workers, Persons aged 50 years and above and those below 50 years of age with comorbidities. States/UTs may instruct the concerned authorities for their active support to the Ministry of Health and Family Welfare (MoHFW) in identification, preparation of database, vaccine delivery, storage, security, shipment and vaccination of beneficiaries.

5. Attention is also drawn here that on 18<sup>th</sup> December, 2020, in a suomotu WP (C) No. 7, the Hon'ble Supreme Court has issued directions to State Governments, inter-alia, for strict enforcement of guidelines/ SOPs issued by Union/ State Governments; strict compliance on COVID-Appropriate behaviour such as, wearing of masks, keeping social distancing etc.; stern action against those who are violating guidelines/ SOPs; regulation of gatherings etc. consider imposition of curfew on weekends/ night and to enforce complete lockdown in containment zones. A copy of the aforesaid Order is enclosed for taking necessary action.

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6. I would like to re-emphasize that essence behind the graded re-opening and progressive resumption of activities is to move ahead. However, there is a concomitant need to exercise due care. States/UTs, based on their assessment of the situation, may impose local restrictions with a view to contain the spread of COVID-19, such as night curfew. However, there shall be no restriction on inter-State and intra-State movement of persons and goods including those for cross land-border trade under Treaties with neighbouring countries.

7. I would urge you to ensure compliance of the aforesaid guidelines and direct all authorities concerned for its strict implementation. Further, guidelines issued by MHA and consequent Orders issued by the respective State Governments/ UT Administration should be widely disseminated to the public and to the field functionaries for implementation.

With regards,

Yours sincerely,



28/12/2020  
(Ajay Bhalla)

**Administrators of All UTs**  
(As per Standard List attached)

**REPORTABLE**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**SUO MOTU WRIT PETITION (CIVIL) NO.7 OF 2020**

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

**O R D E R**

1. We have heard Shri Tushar Mehta, learned Solicitor General for India and learned counsel appearing for various States. By our order dated 27.11.2020 passed in this proceeding we have taken suo motu cognizance of the incident which happened in Rajkot, Gujarat on 26.11.2020 resulting in death of Covid patients in the Covid Hospital. The Court has also taken notice of earlier incidents of fire in Covid Hospitals. Learned Solicitor General had submitted that immediate steps shall be taken and the report will be submitted. State of Gujarat was also directed to submit the report.

2. Affidavits have been filed by Union of India on 30.11.2020 and 11.12.2020. The Union of India in its affidavit dated 30.11.2020 has brought on record the letter dated 28.11.2020 issued by Ministry of Home

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Date: 2021-01-18  
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affairs, Government of India. The Government of India issued advisory to all the States to prevent the

bringing on record the directions issued by the State and the details of inspection undertaken and audit of few dedicated Covid hospitals. It has further stated that a nodal officer for fire safety has been appointed in dedicated covid hospitals (Government and Private hospitals). We with regard to above, issue following directions:-

- 1) All States/Union Territories should appoint one nodal officer for each covid hospital, if not already appointed, who shall be made responsible for ensuring the compliance of all fire safety measures.
- 2) In each district, State Government should constitute a committee to carry fire audit of each Covid hospital atleast once in a month and inform the deficiency to the management of the hospital and report to the Government for taking follow up action.
- 3) The Covid hospital who have not obtained NOC from fire department of the State should be asked to immediately apply for NOC and after carrying necessary inspection, decision shall be taken. Those Covid hospitals who have not renewed their

to be run by the State and/or local administration are made. It cannot be disputed that for whatever reasons the treatment has become costlier and costlier and it is not affordable to the common people at all. Even if one survives from COVID-19, many times financially and economically he is finished. Therefore, either more and more provisions are to be made by the State Government and the local administration or there shall be cap on the fees charged by the private hospitals, which can be in exercise of the powers under the Disaster Management Act.

7. Despite the Guidelines and SOPs issued, for lack of implementation the Pandemic has spread like wild fire. A strict and stern action should be taken against those who are violating the Guidelines and SOPs, whoever he may be and whatever position the violator is occupying.

8. Every State must act vigilantly and to work with the Centre harmoniously. It is the time to rise to the occasion. Safety and health of the citizens must be the first priority, rather than any other considerations.

9. People should understand their duty and follow rules very strictly. It is the duty of every citizen to perform their fundamental duties as guaranteed under the

implementation of the SOPs and the guidelines with the help of the concerned Superintendent of Police/District Superintendent of Police and the Police In-charge of the concerned police station.

11. We have already issued various directions with regard to measures to be taken to contain the Covid-19. We once again reiterate the State to issue necessary directions with regard to following measures so as to effectively monitor and supervise the implementation of various SOPs and guidelines.

- i) More and more police personnel shall be deployed at the places where there is likelihood of gathering by the people, such as, Food Courts, Eateries, Vegetable Markets (Wholesale or Retail), sabzi Mandies, bus stations, railway stations, street vendors, etc.
- ii) As far as possible, unless must, no permission shall be granted by the local administration or the Collector/DSP for celebration/gathering even during the day hours and wherever the permissions are granted, the local administration/DSP/Collector/Police In-charge of the local police station shall ensure the strict

- vi) Curfew on weekends/night be considered by States where it is not in place.
  - vii) In a micro containment zone or in an area where number of cases are on higher side, to cut the chain, they should be sealed and there should be complete lockdown so far as such areas are concerned. Such containment areas need to be sealed for few days except essential services. The same is required to break the chain of virus spread.
  - viii) Any decision to impose curfew and/or lockdown must be announced long in advance so that the people may know and make provisions for their livelihood, like ration etc.
  - ix) Another issue is a fatigue of front row health care officers, such as, Doctors, Nurses as well as workers. They are already exhausted physically and mentally due to tireless work for eight months. Some mechanism may be required to give them intermittent rest.
12. One more issue has been raised before us regarding gathering organised by Political parties. The Political parties organise different proceedings in connection of

grounds for public gathering with clearly marked Entry/Exit points.

- (b) In all such identified grounds, the District Election Officer should, in advance, put markers to ensure social distancing norms by the attendees.
- (c) Nodal District Health Officer should be involved in the process to ensure that all COVID-19 related guidelines are adhered to by all concerned in the district.
- (d) District Election Officer and District Superintendent of Police should ensure that the number of attendees does not exceed the limit prescribed by State Disaster Management Authority for public gatherings.
- (e) DEO should depute Sector Health Regulators to oversee that COVID-19 instructions/guidelines are being followed during these meetings.
- (f) The political parties and candidates concerned should ensure that all COVID-19 related requirement like face masks, sanitizers, thermal scanning etc. are fulfilled during each of these activities.
- (g) Non-Compliance of Instructions: - Anybody violating instructions on COVID-19 measures will be liable to proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section

ITEM NO.1 Court 7 (Video Conferencing)  
[FOR ORDERS]

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

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.

(IA No. 63664/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL  
VAKALATNAMA/OTHER DOCUMENT

IA No. 54973/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 55794/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 56067/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 90409/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 54881/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 55938/2020 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 68811/2020 - CLARIFICATION/DIRECTION  
IA No. 54900/2020 - EARLY HEARING APPLICATION  
IA No. 55936/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 56420/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 68639/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 56142/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 118651/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 55792/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 56124/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 68519/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 74588/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 90410/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 54885/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 55398/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 55939/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 72559/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 54982/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 72111/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 90398/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 68817/2020 - EXEMPTION FROM FILING AFFIDAVIT  
IA No. 92849/2020 - EXEMPTION FROM FILING O.T.  
IA No. 74671/2020 - EXEMPTION FROM PAYING COURT FEE  
IA No. 74670/2020 - INTERVENTION APPLICATION  
IA No. 55790/2020 - INTERVENTION APPLICATION  
IA No. 63659/2020 - INTERVENTION APPLICATION  
IA No. 54880/2020 - INTERVENTION APPLICATION  
IA No. 55937/2020 - INTERVENTION APPLICATION  
IA No. 90394/2020 - INTERVENTION/IMPLEADMENT  
IA No. 77370/2020 - INTERVENTION/IMPLEADMENT  
IA No. 54971/2020 - INTERVENTION/IMPLEADMENT  
IA No. 55935/2020 - INTERVENTION/IMPLEADMENT  
IA No. 68561/2020 - INTERVENTION/IMPLEADMENT  
IA No. 54897/2020 - INTERVENTION/IMPLEADMENT  
IA No. 57318/2020 - INTERVENTION/IMPLEADMENT  
IA No. 54902/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON

	Ms. Rita Gupta, Adv. Ms. Deepshikha Bharati, Adv.,
Haryana	Dr. Monika Gusain, AOR
H.P.	Mr. Himanshu Tyagi, AOR
Jharkhand	Mr. Kumar Anurag Singh, Addl. Standing Counsel Mr. Saurabh Jain, Adv. Mr. Anando Mukherjee, Adv.
J&K	Mr. G.M. Kawoosa, Adv. Ms. Manjula Gupta, Adv.
Kerala	Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv. Mr. G. Prakash, Adv.
Manipur	Mr. Pukhrambam Ramesh Kumar, Adv. Ms. Anupama Ngangom, Adv. Mr. Karun Sharma, Adv.
Maharashtra	Mr. Rahul Chitnis ADV. Mr. Sachin Patil, AOR Mr. Geo Joseph, Adv.
Meghalaya	Mr. Amit Kumar, Adv. Mr. Avijit Mani Tripathi, Adv. Mr. T.K. Nayak, Adv. Mr. Abhikalp, Adv.
Mizoram	Mr. Siddhesh Kotwal, Adv. Mr. Divyansh Tiwari, Adv. Ms. Ana Upadhyay, Adv.
Nagaland	Mrs. K. Enatoli Sema, Adv Mr. Amit Kumar Singh, Adv.
Punjab	Mr. Atul Nanda, AG Ms. Uttara Babbar, Adv. Ms. Bhavana Duhoon, Adv. Mr. Manan Bansal, Adv.
Rajasthan	Dr. Manish Singhvi, Sr. Advocate Mr. Sandeep Kumar Jha Advocate
T.N.	Mr. Jayanth Muthuraj, Sr. Adv. Mr. M.Yogeshkanna AOR Mr. Rajarajeshwaran, Adv. Mr. Aditya Chadha, Adv.
Telangana	Mr. S. Udaya Kumar Sagar, Adv. Ms. Swati Bhardwaj, Adv.

55937&55938                   Mr. M. Shoeb Alam, Adv.  
                                  Mr. Talha Abdul Rahman, AOR

55935                           Dr. Ishwar Gilada, Adv.  
                                  Mr. Rohit Rathi, AOR

54897/20                       Mr. Shashank Deo Sudhi, Adv.

                                  Mr. Mukesh Kumar, Applicant in person

                                  Ms. Aparna Bhat, AOR  
                                  Ms. Karishma Maria, Adv.

**UPON hearing the counsel the Court made the following**

**O R D E R**

Four weeks' time is granted to all the States and Union of India to file affidavit to bring on record various measures as indicated in the signed reportable order for consideration and further directions.

(MEENAKSHI KOHLI)  
ASTT. REGISTRAR-cum-PS  
[Signed reportable order is placed on the file]

(RENU KAPOOR)  
BRANCH OFFICER