

Court On Its Own Motion vs State Of Nct Of Delhi & Ors on 26 May, 2020

Author: Vipin Sanghi

Bench: Vipin Sanghi, Rajnish Bhatnagar

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3250/2020

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through:

Mr. Rahul Mehra, Standing Counsel
and Mr. Chaitanya Gosain, Advocate.
Mr. Kirtiman Singh with Mr. Rohan
Anand, Advs.

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HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% 26.05.2020

1. A video-clipping, authored by a person who claims himself to be Dharmendra Bhardwaj, having Mobile No.9971993060, is being circulated on social media and has come to our notice. Mr. Dharmendra Bhardwaj apparently recorded the videograph, presumably, on his mobile phone on 22.05.2020, when he was stationed outside Max Patparganj Hospital, Delhi.

2. In this video, he claims that his mother Shyama Sharma was admitted to Max Patparganj Hospital on 19.05.2020. On 21.05.2020, her Covid-19 test was found to be positive. He claims that the Deputy Medical Superintendant of the said hospital called him and spoke to him on the intercom, and asked him to arrange a ventilator and hospital bed in some other hospital.

3. Mr. Dharmendra Bhardwaj claims that he visited several hospitals, but to no avail. Importantly, he claims that he called the Helpline No.1075 on several occasions with no response. On one occasion, he was given the number of DSO bearing No.9870552526. He called the said number, but again to no avail. On two other occasions, he was given two other numbers, namely, 011-22307133 and 22307145 respectively, which too were non- responsive.

4. The said Mr. Dharmendra Bhardwaj expresses his helplessness and anguish, and states that the tall claims made by the Govt. of NCT of Delhi (GNCTD) and the Central Government with regard to

adequate arrangements being in place - to deal with patients of Covid-19 who require hospitalisation and treatment, are far from true on the ground. He also states that he has maintained the complete record of the calls that he has made, and that he is willing to share the information with regard to his own experience.

5. In our view, the aforesaid video recording raises serious issues of public concern in the present day context. A person who, or whose family or friend is found Covid-19 positive, should be able to call the helplines to not only report such occurrence, but to also seek guidance and assistance with regard to the hospitals to which such patient may be taken - if hospitalisation is necessary keeping in view of the condition of the patient. The helplines should render meaningful and effective help to the callers. If the experience of Mr. Dharmendra Bhardwaj is anything to go by, it appears, that this aspect has not been adequately addressed by the respondents.

6. We, accordingly, take suo moto notice of the said video recording, and direct registration of a PIL on the Courts own Motion.

7. We directed the Court Master, Mr. Lokpal Singh to inform Mr. Rahul Mehra, Standing Counsel for the GNCTD and Mr. Kirtiman Singh, Senior Standing Counsel for the Union of India in advance, so that they could remain present. The video clip was also directed to be shared with them. Accordingly, both Mr. Rahul Mehra and Mr. Kirtiman Singh are present. Mr. Mehra states that the GNCTD has provided 10 helpline numbers, which include the numbers 011-22307133 and 22307145 (which Mr. Dharmendra Bhardwaj dialled), apart from an inter-active number 1031. He submits that the helpline numbers were found not to be functioning efficiently and instructions have been issued to set the system in order. He submits that the same would be done within the next couple of days. He submits that the helpline number 1075 is managed by the Central Government.

8. Mr. Kirtiman Singh submits that number 1075 is an All-India helpline number and about 3 lakh calls have been received on that number. He submits that Mr. Dharmendra Bhardwaj was provided the number of the DSO- taken note of hereinabove, who is an officer of the GNCTD.

9. Mr. Mehra has placed on record a few documents which, contain a press release issued by the GNCTD on 25.05.2020. The status with regard to the number of hospital beds earmarked for serious COVID-19 patients in Government and Private hospitals in NCT of Delhi is also placed on record. Mr. Mehra informs us that a mobile application is under development, which would give live updates of the hospital beds available in Delhi Government Hospitals and Private Hospitals, and other related information. He states that the mobile application would be launched in the next couple of days.

10. The GNCTD and the Central Government should respond to the grievances narrated by Mr. Dharmendra Bhardwaj and to place before us the status with regard to the arrangements made to deal with serious Covid-19 patients, who need hospitalisation. The status of functional and responsive helpline numbers being operated by the GNCTD and the Central Government should also be placed before the Court. The respondents should assess the adequacy of the helpline capacity and state whether the same is sufficient to deal with the present call traffic and the traffic expected

in the foreseeable future, keeping in view the continuous rise in the number of cases being reported each day. In our view, the helpline numbers of the GNCTD should also provide guidance and information to the caller as to which hospital has beds available for treatment of serious COVID-19 patients - both in Government and Private Hospitals, particularly in the proximity of the caller patient's location. The capacity created to deal with calls made on the helpline numbers; the nature of assistance rendered, and; the log maintained for the same, if any, should also be placed before the Court.

11. The GNCTD should also consider providing ambulance facility for pickup of COVID-19 serious patients for hospitalisation, once a caller reports a serious COVID-19 case - which appears to require hospitalisation looking to the condition reported.

12. Let the video recording of Dharmendra Bhardwaj be converted into a Compact Disk recording, and be placed on the file. A transcript of what he states in the video should also be prepared and placed on the file. Both these documents should be provided to Mr. Rahul Mehra, learned Standing Counsel for GNCTD as well as Mr. Kirtiman Singh who represents the Central Government before us, during the course of the day.

13. We appoint Mr. Om Prakash, Advocate (Mobile No.9810794902) as the Amicus Curiae to assist the Court. He shall contact Mr. Dharmendra Bhadrwaj and, after informing him of our order, make an audio recording of his statement with his consent. The learned Amicus Curiae shall also call the helpline numbers and shall report with regard to their effectiveness in providing help to the callers. Whatever information/ documents are gathered from Mr. Dharmendra Bhardwaj, and upon calling the helpline numbers, should be placed on record by the learned Amicus Curiae along with his report. Advance copies of the same be served on learned counsels for the respondents through e-mail. For that purpose, Mr. Rahul Mehra and Mr. Kirtiman Singh have provided their respective e-mail addressed, which are as follows:

Mr. Rahul Mehra - criminalstandingcounsel@gmail.com Mr. Kirtiman Singh-
kirtimansingh.office@gmail.com

14. We direct the Central Government, as well as the GNCTD, to file their status reports on all the aspects mentioned in the said video recording and those taken note of by us, before the next date of hearing. The matter may be placed before the bench headed by Hon'ble the Chief Justice, which is the PIL bench, on the next date.

15. A copy of this order be communicated to the learned Amicus Curiae Mr. Om Prakash, Advocate.

16. List on 03.06.2020 VIPIN SANGHI, J RAJNISH BHATNAGAR, J MAY 26, 2020 Sr