

# Court On Its Own Motion vs State Of Nct Of Delhi And Ors on 8 June, 2020

**Author: Prateek Jalan**

**Bench: Chief Justice, Prateek Jalan**

\$~3

\*

+

IN THE HIGH COURT OF DELHI AT NEW DELHI  
W.P.(C) 3250/2020 & CM APPL.11769/2020 (for Intervention)  
COURT ON ITS OWN MOTION ..... Petitioner  
Through: Mr. Om Prakash, Amicus Curiae.  
versus

STATE OF NCT OF DELHI AND ORS. .... Respondents  
Through: Mr. Rahul Mehra, SC (Crl.) with  
Mr. Anuj Aggarwal, ASC and  
Mr. Chaitanya Gosain, Adv. for  
GNCTD.  
Mr. Kirtiman Singh, CGSC with  
Mr. Rohan Anand, Adv. for UOI.  
Mr. Chander M. Lall, Sr. Adv. with  
Ms. Nancy Roy, Intervener in person  
in CM APPL. 11769/2020 for  
Intervener.

CORAM:  
HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE PRATEEK JALAN  
ORDER

% 08.06.2020 Proceedings of the matter have been conducted through video conferencing.

1. This writ petition has been taken up by this Court on its own motion vide order dated 26.05.2020.
2. Learned Amicus Curiae has assisted this Court painstakingly by filing more than one report. Similarly, reports/affidavits have also been filed by the respondents, especially, a detailed affidavit filed by Government of NCT of Delhi.
3. Learned Amicus Curiae electronically sent a copy of an additional report dated 06.06.2020. The same is taken on record.
4. Learned Amicus Curiae has pointed out to this Court that the Mobile Application namely "Delhi Corona Mobile Application", developed by Delhi Government, is not being updated regularly. He also submitted that there is a mismatch of the facts and data released by the Government/private hospitals in Delhi especially with regard to the availability of the beds and ventilators. It is also submitted that some of the hospitals run by Central Government/Government of NCT of Delhi are not updating the data. It is further submitted that helpline numbers as provided by Govt. of NCT of

Delhi, are not properly working. Learned Amicus Curiae submitted that the Nodal Officers appointed by the Delhi Government should be the ones vested with the responsibility to monitor the allotment of the beds in the Government as well as private hospitals, so that these officers can keep a check on the hospitals which are denying admission to the corona patients even though the beds are available with them. It is further submitted by the learned Amicus Curiae that real time updation of data should be done by the hospitals or data should atleast be updated every 8 hours. He also submitted that there should be no denial in testing and asymptomatic patients should also be tested for Covid 19 immediately. Various suggestions have been given by the learned Amicus Curiae in paragraph 10 of the first report submitted by him dated 02.06.2020 which may be considered by the Central Government as well as by the State Government.

5. We have also heard the Intervener and the learned Senior Counsel appearing for the Intervener who has filed CM No.11769/2020 in this writ petition. It is submitted by the learned Senior Counsel for the Intervener that suitable direction may be given to the Central Government and the Government of NCT of Delhi to carry out tests of all those having apprehension of being exposed to Corona virus. The learned Senior Counsel for the Intervener has named two private hospitals wherein the number of tests have been drastically reduced to 45 and 100 tests per day respectively due to the restrictions imposed in testing by Govt. of NCT of Delhi. It is also submitted by the learned counsel for the Intervener that presently certain hospitals not having multi-speciality facilities have been dedicated for the Corona patients. In this regard, the learned Senior counsel for the Intervener submitted that Coronavirus may affect several organs of the body and therefore the hospitals having multi-speciality facilities should be made available for the Corona patients. We are avoiding giving names of the hospitals mentioned by the learned Senior Counsel for the Intervener, however, learned Standing Counsel for the Govt. of NCT of Delhi has taken note of the names of these hospitals and we expect that proper instructions shall be given to such hospitals in this regard.

6. Learned Standing Counsel appearing for the Government of NCT of Delhi has stated that pursuant to this Court's orders dated 26.05.2020 and 02.06.2020, a detailed affidavit by Deputy Secretary, Health and Family Welfare Department, GNCTD dated 07.06.2020 has been sent electronically. The same is taken on record. Learned Standing Counsel appearing for the Government of NCT of Delhi has pointed out various steps initiated by the Government of NCT of Delhi like:-

(i) Now, Centralized toll-free helpline number 1031 has been developed by merging all the helplines. Government of NCT of Delhi is in the process of further augmenting the toll-free helpline No. 1031 by adding 50 more hunting lines enabling callers to be connected swiftly to an operator. The toll-free helpline No. 1031 is providing seven types of services which have been mentioned in the affidavit viz.

(a) For Bhojan Rahat Kendra - Dial 1

(b) For Ration Rahat Kendra - Dial 2

(c) For E pass - Dial 3

(d) For information on CORONA Hospitals in Delhi and availability of beds in the hospitals - Dial 4

(e) For Auto-rickshaw, Grahmin seva, Fat Fat seva - Dial 5.

(f) For the information on containment zone in Delhi - Dial Further, Press 1 for information on home quarantine or Press 2 to talk to the concerned emergency response official in your containment zone.

(g) To talk to customer care - Dial 7

(ii) That the Standard Operating Procedure has also been evolved for receiving calls and effectively responding to the callers. As per the SOP, whenever a call is received, the concerned District Surveillance Officer (DSO) is informed and in case of a COVID 19 case, and the concerned DSO takes the necessary measures.

(iii) That a special helpline number dedicated only to the Corona positive patients/cases has recently been initiated. The helpline number for Corona positive patients is 1800-111-747 (toll free) and any further information in this regard is available on [www.delhifightscorona.in](http://www.delhifightscorona.in). There are district-wise ground teams assigned for effective surveillance of Corona. Each District has a DSO supported by a medical team to reach out to the patients by making calls or home-visits to assess whether they need home-

quarantine or are required to be sent to the hospitals or a nearby quarantine-centre. Since the model operates district-wise, the district allocation needs to be precise and correct. He submitted that much of the district-wise distribution data that Delhi receives from ICMR is incorrect, resulting in inordinate delay in the geo-station mapping carried out by authorities/agencies. Thus, there is usually a delay caused in contacting the patient who has tested positive after he has received the lab-report and in the meantime patients tend to panic. The new helpline is aimed to cater to such patients only, especially during the first 24 to 36 hours, who have tested positive and are scared, yet clueless as to what should be their next/desired course of action. The said helpline would help them resolve issues pertaining to availability of Ambulance/s and free medical consultation with a doctor. It also used to happen that sometimes a positive corona patient could not be reached out due to wrong information. The endeavour is also being made to get this helpline number printed on every lab's test-report, so as to make the patient aware about such helpline facility.

(iv) Out of 209 ambulances of the Centralized Accident and Trauma Services (CATS) available overall, 136 are exclusively dedicated for Covid patients. 125 additional cabs have been hired by Government of NCT of Delhi from private operators for non-serious patients. Now the calls for ambulances are being attended. Turn around time varies from 15 minutes to 50 minutes and the time taken in reaching to the patient shall also be reduced in coming weeks.

(v) So far as hospitalization of Corona patients is concerned, it is submitted by Mr. Rahul Mehra, learned Standing Counsel appearing on behalf of Government of NCT of Delhi that they have developed Mobile Application namely "Delhi Corona" on Google Platform for Android phone users and World Wide Web for non-Android phone users which will facilitate in giving real time information. Learned Standing Counsel further submitted that Government of NCT of Delhi is not updating the data on this mobile application but the ID and passwords have been given to the concerned hospitals and these hospitals are directly uploading the data regarding availability of the beds, ventilators, etc. In this regard, more than 100 meetings have been held with the management/owners of the hospitals in the city of Delhi and all steps are being taken to ensure proper updation of the data by the hospitals and the Government of NCT of Delhi.

(vi) Four Grievance Officers have been appointed for redressal of complaints regarding availability of the ambulance, hospital, beds and ventilators, etc.

7. Upon our specific query raised to Mr. Rahul Mehra, learned Standing Counsel that in spite of availability of beds the Corona patients are being denied admission, it is submitted that they are holding meetings with the owners of the hospitals/management and in case of any breach of the directions given by the Government of NCT of Delhi action shall be initiated against errant hospitals.

8. Having heard learned Amicus Curiae as well as the counsel for the respondents/Intervener, it appears that there is a need of real time updation of the data by all hospitals including the Delhi Government run hospitals, the Central Government run hospitals and private hospitals. We, therefore, direct Government of NCT of Delhi as well as the Central Government that they shall take all necessary steps for ensuring real time updation of the data, without too much of a time lag, so that the information being received by the public is current. If any Committee is appointed by Government of NCT of Delhi, the said Committee will also take note of this fact that there shall be real time updation of the data on the mobile application developed by the Government of NCT of Delhi.

9. We also direct the Central Government as well as the Government of NCT of Delhi that testing shall be carried out by the Central Government as well as the State Government run hospitals, as far as possible, subject to availability of testing kits with priority be given to the persons approaching for test on the recommendation of a doctor.

10. So far as the points which are highlighted by the Intervener about availability of hospitals having multi speciality facilities for the Corona patients, the same shall be considered by the State Government/Central Government.

11. The practical applicability of the suggestion made by the learned Amicus Curiae and the learned Senior Counsel for the Intervener will be kept in mind by the State Government/Central Government. Reply shall be filed by the State Government/Central Government before the next date of hearing.

12. List on 25.06.2020.

CHIEF JUSTICE PRATEEK JALAN, J JUNE 08, 2020 kks