

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Friday, the 8th day of August 2025 / 17th Sravana, 1947
WP(PIL) NO. 74 OF 2025(S)

PETITIONERS:

1. G.SAMUEL, AGED 60 YEARS, S/O. G. GEORGE, VALIYAPARAMBIL, VETTIYAR, MANGANKUZHI, MAVELIKKARA, ALAPPUZHA DISTRICT, PIN - 690 558.
2. ANTONY ALEX, AGED 54 YEARS, S/O. M.T.ANTONY, MANIMURIMATTATHIL, KOTTAMURI PO, KOTTAYAM, PIN - 686 105.
3. CHACKO P.J, AGED 63 YEARS, S/O. JOSEPH, VARAPUTHRA HOUSE, KOTTAMURI PO, THRIKKADITHANAM KOTTAYAM, PIN - 686 105.

RESPONDENTS:

1. STATE OF KERALA (*DELETED), REPRESENTED BY GOVERNMENT PLEADER, HIGH COURT OF KERALA, PIN - 682 031. *R1 IS DELETED AS PER ORDER DATED 23/07/2025 IN IA 2/2025 IN WP(PIL) 74/2025.
2. ADDITIONAL CHIEF SECRETARY, GOVERNMENT OF KERALA, HEALTH AND FAMILY WELFARE, DIRECTOR OF HEALTH SERVICES, SECRETARIAT, TRIVANDRUM, PIN - 695 001.
3. MEDICAL SUPERINTENDANT, MEDICAL COLLEGE HOSPITAL, KOTTAYAM, PIN - 686 008.
4. PRESIDENT, KERALA GOVERNMENT MEDICAL OFFICERS ASSOCIATION, KGMOA HEAD QUARTERS, RED CROSS ROAD, THIRUVANANTHAPURAM, PIN - 695 035.
ADDITIONAL R5 IMPEADED
5. KERALA STATE COUNCIL FOR CLINICAL ESTABLISHMENT, REPRESENTED BY SECRETARY OF THE HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, TRIVANDRUM - 695 001.
ADDL.R5 IS IMPEADED AS PER ORDER DATED 23/07/2025 IN IA 1/2025 IN WP(PIL) 74/2025.

ADDITIONAL R6 IMPEADED

6. THE KERALA STATE LEGAL SERVICES AUTHORITY, HIGH COURT COMPOUND, ERNAKULAM, KERALA, PIN - 682 031
ADDL.R6 IS IMPEADED AS PER ORDER DATED 08/08/2025
IN WP(PIL) 74/2025.

P.T.O.

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to direct the 2nd respondent for effective administration of infrastructure, equipments related to the surgery, hygienic situation of the all medical colleges and other said hospitals belong to the government, till the disposal of the writ petition.

This petition coming again on for admission upon perusing the petition and the affidavit filed in support of WP(PIL), this Court's order dated 23/07/2025 and upon hearing the arguments of M/S. ALEX K.JOHN, SATHEESH T.P., JILCY JACOB, SIJIN STANLEY, CYRIAC ELIAS STEEN, SREEKUTTAN M., NINAN THOMAS, GEGO GEORGE & PRATHITHA MARIYAM THOMAS, Advocates for the petitioners, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R2 & R3 and of SRI. RANJITH THAMPAN (Senior Advocate), Amicus curiae, the court passed the following:

P.T.O.



NITIN JAMDAR, C.J. & BASANT BALAJI, J.

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W.P.(PIL) No.74 of 2025

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Dated this the 8th day of August, 2025

ORDER

Heard Mr. Alex K.John, learned counsel for the Petitioners, and Mr. N. Manojkumar, learned State Attorney.

2. Pursuant to the earlier direction, an affidavit has been filed by the Additional Chief Secretary, Health and Family Welfare Department, Government of Kerala.

3. We had, in an earlier order, outlined the statutory provisions of the Kerala Clinical Establishments (Registration and Regulation) Act, 2018 (Act of 2018), which show that the Act addresses two areas: one is the registration of clinical establishments and the other is their regulation in the State of Kerala. The factual situation in this petition falls within the ambit of the regulation of clinical establishments and the government hospitals.

4. The focus of this petition is on strengthening the mechanisms under the Act of 2018 for the maintenance of clinical establishments and government hospitals, as per the prescribed standards. As noted in the earlier order, an authority is constituted under the Act of 2018 for that purpose, namely, the State Council for Clinical Establishments.

5. One of the functions of the Council, as per Section 4(1)(e) of the Act of 2018, is to conduct periodical inspections of clinical establishments to

ensure that standards are maintained in such manner as may be prescribed. This is an important function because, unless it is ensured that the standards are maintained, it may lead to various issues, such as the one presented before us. It is important that the Council carries out periodical inspections of clinical establishments, including government hospitals, in a systematic manner. Recognising this importance, the State Legislature, through the Act of 2018, has provided that Rules must be framed prescribing the manner of conducting periodical inspections under Section 4(1)(e).

6. Regarding the earlier order about the details of periodical inspections carried out in respect of government hospitals in the State during the last three years, and the publication of information on its portal regarding the functioning of government hospitals, the counter affidavit filed by the Additional Secretary shows that no inspections have been carried out. The affidavit also admits that no Rules prescribing the manner of conducting periodical inspections have so far been framed, and it does not state when the same will be framed. The Annual Reports of the Council have been placed on record. These Annual Reports primarily focus on the registration aspects.

7. Under Section 7 of the Act of 2018, the Council has to follow a consultative and transparent process, including a public hearing, for making suggestions for altering the mandatory standards and for any other matter under the provisions of the Act. The affidavit filed by the Additional Secretary shows that no public hearing has been held by the Council so far to receive suggestions following a consultative process in respect of matters under the Act of 2018 and the Rules framed thereunder.

8. It has been almost seven years since the Act of 2018 came into force, and the main function of the Council remains unfulfilled and unguided for want of Rules prescribing the manner of conducting periodical inspections.

9. The second manner in which the standards prescribed for clinical establishments are adhered to can be ensured by way of a citizen feedback mechanism. Such a mechanism is provided under Section 36 of the Act of 2018. The learned State Attorney submits that this aspect is covered in the general rules titled the *Kerala Clinical Establishment (Registration and Regulation) Rules, 2018*, more particularly Rules 30 to 34 thereof. Under Rule 30, the Council, with the permission of the Government, has to constitute a Grievance Redressal Committee for receiving complaints from the general public and taking action thereupon. Under Rule 33(i), the Redressal Committee is empowered to receive complaints from the public regarding violations of the provisions of the Act of 2018 or the Rules made thereunder by any clinical establishment. Furthermore, Rule 35 of the Rules of 2018 places responsibility on the person in charge of the clinical establishment under the control of the Government to take action and accomplish the responsibilities under the Act of 2018 and the Rules therein, and such person is thus governed by the Act and the Rules.

10. In the affidavit filed by the Additional Secretary, the order constituting the Grievance Committee dated 15 March 2021 is placed on record. It is also stated that the term of the Committee expired on 18 March 2024, and that the last date for submission of the application was 31 July 2020. Since March 2024, there has been no Grievance Committee as envisaged under Section 36 of the Act.

11. It is further stated in the affidavit of the Secretary that no complaints have been received by the Grievance Committee from the general public since its inception. As regards this, the learned State Attorney suggests that the absence of complaints could be because there is nothing to complain about. Be that as it may, suffice it to state that there could also be other reasons, such as lack of knowledge on the part of the general public about the grievance mechanism and the fact that it has not been functioning for more than one and half years. If public hearings had been held by the Council as per the Act of 2018, perhaps grievances and suggestions could have come forth.

12. As stated earlier, the Act of 2018 has two components: first, the registration of clinical establishments, and second, the maintenance of standards. The Council is entrusted with the task of carrying out inspections to maintain those standards. An effective grievance mechanism will aid the Council in performing its duty under the Act, and therefore, it is of utmost necessity that such a mechanism is not left in a vacuum. Both periodical inspections and the feedback mechanism are important components of the Act of 2018, and steps need to be taken to strengthen these mechanisms.

13. As of today, the position is that the Council has not performed its function under Section 4(1)(e) of the Act of 2018 with respect to inspections of government hospitals; no Rules have been framed prescribing the manner of conducting periodical inspections; no public hearings have been held to receive suggestions; and there has been no Grievance Committee in existence for almost one and a half years, where

complaints regarding the condition of government hospitals can be made as per the Rules. These important components of the Act, including periodic inspection of hospitals and feedback through grievance redressal, require immediate attention and correction. It has been ensured that preventive mechanisms contemplated by the legislature are made functional and effective, and not remain on the statute book.

14. Mr. Ranjith Thampan, Senior Advocate of this Court, is requested to assist the Court as *Amicus Curiae*. The Kerala State Legal Services Authority, High Court Compound, Ernakulam, Kerala, is also impleaded as a party respondent. Copy be served on the added respondents.

15. The learned State Attorney seeks time to take further instructions. Post the matter on 20 August 2025.



Sd/-

**NITIN JAMDAR,
CHIEF JUSTICE**

Sd/-

**BASANT BALAJI,
JUDGE**

SKP

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P.A. TO JUDGE

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE BASANT BALAJI

Friday, the 8th day of August 2025 / 17th Sravana, 1947
WP(C) NO. 7380 OF 2025(S)

PETITIONERS:

1. K.T SUBRAHMANIAN, AGED 45 YEARS, S/O THUPRAN, RESIDING AT KALLAZHIL HOUSE, P.O METHALA, KODUNGALLUR, THRISSUR DISTRICT, PIN - 680 669.
2. E.K SOMAN MASTER, AGED 61 YEARS, S/O KUMARAN, EDAMUTTOTH HOUSE, EDVILANGU VILLAGE, KODUNGALLUR TALUK, THRISSUR, PIN - 680 671.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, DEPARTMENT OF HEALTH, SECRETARIAT, THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.
2. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, LOCAL SELF GOVT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.
3. THE DIRECTOR, DEPARTMENT OF HEALTH, NEAR GENERAL HOSPITAL, P.O. VANCHIYOOR, THIRUVANANTHAPURAM DISTRICT, PIN - 695 035.
4. THE DISTRICT MEDICAL OFFICER (HEALTH), DEPARTMENT OF HEALTH SERVICES, ST.THOMAS COLLEGE ROAD, THRISSUR DISTRICT, PIN - 680 001.
5. THE SUPERINTENDENT, KODUNGALLUR TALUK HEAD QUARTERS HOSPITAL, P.O KODUNGALLUR, PIN - 680 664.
6. THE SECRETARY, KODUNGALLUR MUNICIPALITY, MUNICIPAL OFFICE, KODUNGALLUR, PIN - 680 664.
7. EXECUTIVE ENGINEER, PWD BUILDING DIVISION OFFICE, CHEMBUKKAVU, THRISSUR DISTRICT, PIN - 680 020.
8. THE CHAIRMAN, HOSPITAL MANAGEMENT COMMITTEE, KODUNGALLUR, PIN - 680 664.
9. THE STATION OFFICER, FIRE AND SAFETY DEPARTMENT, P.O KODUNGALLUR, PIN - 680 664.
10. THE DIRECTOR GENERAL, DEPARTMENT OF FIRE AND RESCUE SERVICES, PULIMOODU JUNCTION, TRIVANDRUM, PIN - 695 001.
11. THE ADDITIONAL DIRECTOR (VIGILANCE), HEALTH SERVICE OFFICE, NEAR GENERAL HOSPITAL, P.O. PALAYAM, THIRUVANANTHAPURAM DISTRICT, PIN - 695 035.
12. THE DISTRICT COLLECTOR, THRISSUR, COLLECTORATE P.O, AYYANTHOLE, THRISSUR, PIN - 680 003.
13. KERALA MEDICAL SERVICE CORPORATION LIMITED, CV RAMAN PILLAI RD, NEAR WOMEN AND CHILDREN HOSPITAL, THYCAUD, THIRUVANANTHAPURAM, KERALA, REPRESENTED BY MANAGING DIRECTOR, PIN - 695 014.
14. STATE OF KERALA, REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM DISTRICT, PIN - 695 001.

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 pass an interim order to direct the respondents 1 to 7 to take immediate steps to make function the emergency department in the Kodungallur Taluk Hospital including ICU, ventilator, operation theatre functioning at Kodungallur Taluk Govt Headquarters hospital at the new 5 storied hospital building, with all medical facilities and amenities to the public, in tune with the Exhibit P8 Aardaram scheme and NABH quality standards, by obtaining the approval from the fire and safety department forthwith, in the interest of justice.

This petition again coming on for admission upon perusing the petition and the affidavit filed in support of WP(C), this Court's order dated 23/07/2025 and upon hearing the arguments of M/S. P.T.SHEEJISH, K.M.SHANAVAS, YOOSUF SAFWAN T. AJMAL, AMRITA SAFAL M. & PARVATHI, Advocates for the petitioners, SRI.V.TEKCHAND, SENIOR GOVERNMENT PLEADER for R1 to R5, R7, R9 to R12 & R14, the court passed the following:

P.T.0



NITIN JAMDAR, C.J. & BASANT BALAJI, J.

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W.P. (C.) No.7380 of 2025

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Dated this the 08th day of August, 2025

ORDER

Heard Mr.P.T.Sheejish, learned counsel for the Petitioner, and Mr.V.Tekchand, learned Senior Government Pleader.

2. Pursuant to the earlier direction, the Additional Chief Secretary has convened a meeting and the following course of action has been decided:

“1. Pediatric ICU & Medical ICU - The Director of Health Services has been instructed to conducting a gap analysis as per the standardization of Taluk Hospital, identify the possibility of redeployment and submit a proposal for creating the posts.

2. Dialysis Unit - The Director of Health Services has been instructed to start the functions of dialysis unit and bystanders room in the new building by July 30.

3. Physiotherapy Unit, Comprehensive Geriatric Unit & Poly Dental clinic- These units should start functioning in the new building by the first week of August.

4. Female & Children's Ward - The Director of Health Services has been instructed to submit post creation proposal after conducting gap analysis as per Aardram Standardization.

5. Male ward-The Director of Health Services and Secretary, Kodungallur Municipality has been instructed to the project of install the lift/ramp should be implemented through Municipalty urgently and also

instructed that to Provide accommodation for 108 ambulance staff in the old building

6. The KEL has been directed to that DPR submitted to August 15th.”

3. In view of these steps already decided to be taken, post this petition for hearing on 15 September 2025.

Sd/-

**NITIN JAMDAR
CHIEF JUSTICE**



Sd/-

**BASANT BALAJI
JUDGE**

SKP