

4 **12.8.2021**

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gd/ssd

WPA(P)/122/2021
IA NO: CAN/1/2021
DIPIKA SARKAR
VS
UNION OF INDIA AND ORS.
with
WPA(P)/133/2021
ANINDYA SUNDAR DAS
VS
ADMINISTRATION OF HIGH
COURT AT CALCUTTA AND OTHERS
with
WPA(P)/134/2021
JOVERIA SABBAH
VS
THE STATE OF WEST BENGAL AND ORS.
with
WPA(P)/140/2021
IA NO: CAN/1/2021
FUAD HALIM
VS
UNION OF INDIA AND ORS.
with
WPA(P)/152/2021
SHUVRO PROKASH LAHIRI
VS
UNION OF INDIA AND ORS.
with
WPA(P)/154/2021
JISHA SARKAR
VS
UNION OF INDIA AND ORS.
with
WPA(P)/159/2021
COPVID CRISIS SUPPORT NETWORK AND ORS.
VS
UNION OF INDIA AND ORS.
with
WPA(P)/164/2021
SOUMITRA KARMAKAR CHAKRABORTY
VS
STATE OF WEST BENGAL AND ORS.
(Through Video Conference)

M/s. Santi Ranjan Das,
Mrinal Kanti Biswas and
Sayantan Rakshit, Advocate (Through VC)
..for the Petitioner in
WPA(P) 122 of 2021.

M/s. Phiroze Edulji with
Debapriya Samanta, Advocate (Through VC)
..for the Petitioner in
WPA(P) 133 of 2021.

Ms. Joveria Sabbah, Advocate (Present in Court)
Ms. Mobina Ali and
Mr. Saswata Sarkar,
Advocates (Through VC)
..for the Petitioner in
WPA(P) 134 of 2021,
WPA(P) 154 of 2021,
WPA(P) 159 of 2021 and
WPA(P) 164 of 2021.

M/s. Samim Ahamed with
Arka Maiti, Advocates (Present in Court)
..Petitioner (in person) in
WPA(P)/140/2021.

Mr. S.P. Lahiri,
..Petitioner (in person) in
WPA(P)/152/2021.

Mr. Dipayan Choudhury,
Mr. Suvradal Chowdhury and
Ms. Priyanka Chowdhury,
Advocates (Through VC)
..for the ECI in WPA(P) 122 of 2021.

Mr. Y.J. Dastoor, Additional Solicitor General
(Present in Court),

Mr. Phiroze Edulji
Ms. Anamika Pandey and
Mr. Arijit Majumdar, Advocates (Through VC)
..for the Union of India in
WPA(P) 122 of 2021,
WPA(P) 134 of 2021,
WPA(P) 140 of 2021
WPA(P)/152/2021 and
WPA(P)/154/2021.

M/s. Y.J. Dastoor, Additional Solicitor General
(Present in Court) with
Arijit Majumdar, Advocate (Through VC)
..for the Union of India in
WPA(P) 133 of 2021.

M/s. Kishore Datta,
Learned Advocate General,
Anirban Roy and
Sayan Sinha, Advocates (Through VC)
..for the State in
WPA(P)/122/2021.

M/s. Kishore Datta,
Learned Advocate General,
Samrat Sen,
Amitava Mitra and
Sayan Sinha, Advocates (Through VC)
..for the State in
WPA(P)/133/2021.

Mr. S.K. Bajoria, Advocate (Through VC)
..for the Intervenor in
WPA(P)/133/2021.

Affidavit filed on behalf of the Union of India in Court is taken on record. It states that the supply of vaccines to all the States in the country is in relation to the population, which is 18+ and subject to availability thereof. Certain percentage of the vaccines are supplied by the Government of India free of cost, whereas certain percentage is allowed to be purchased by the private hospitals from the manufacturers. For the month of August it is stated that the allocation for the State of West Bengal is 94,84,560 which include purchase by the private hospitals as well.

One of the issue noticed in the last order was regarding payment of compensation to the persons who died on account of Covid-19 or who got infected. The

learned Advocate General submitted that Covid-19 insurance scheme is applicable to the frontline workers. In case of death a sum of ₹10 lakh is paid to the family whereas in case of the persons infected a sum of ₹1 lakh is paid. 180 applications were received for claim on account of death of frontline workers, whereas 30,893 applications were received from infected persons. Part of them have been cleared and the payments made, whereas certain applications are pending on account of deficiency in documents.

The learned counsel for the petitioners raised issue regarding vaccination of the disabled and mentally challenged persons. Another issue pointed out was regarding awareness of the public at large in the State about the insurance scheme and also the rates fixed by the State availing various service for Covid-19 patients. It is submitted that there is overcharging.

As far as the awareness part of the insurance scheme is concerned, let the State issue public advertisements pertaining to the entitlement of the frontline workers about the Covid-19 insurance scheme which provides for payment of compensation on account of death and infection so as to enable the frontline workers or their family members to be aware of that scheme and claim compensation in terms thereof.

The rates fixed by the Government for availing various services for the patients, who are affected with Covid-19 virus, be also published for general awareness of the public at large. In addition to that, the places where normally vaccination camps are held by the government should be made known to the residents of that area so as to enable them to avail of that service. This may also help in division of the persons who are to be vaccinated as against creating rush at one place. It also has to be ensured that there is proper facility for access to the persons with disability so that they do not face any problem in getting themselves vaccinated if they come to a particular hospital or a camp. Vaccination of the persons living in the mental homes or any place where differently abled persons are living should be done on priority.

The learned Advocate General may also appraise the Court about the capacity in different hospitals or the camps organised for vaccines of the persons on daily average basis.

As regards collection of data regarding effectiveness or the persons who are infected even after getting first or second dose of the vaccination, Mr. Dastoor, learned Additional Solicitor General has pointed out that the data can be uploaded on the ICMR Portal for which the facility is available to the Health

Department of the State and the other private hospitals.

Adjourned to August 25, 2021.

[Rajesh Bindal, C.J.(A)]

[Rajarshi Bharadwaj, J.]