

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P.Nos.10486, 10812, 11644 and 11851 of 2021,
W.P.No.12184 of 2020
and W.P.(MD) No.9485 of 2021

W.P.No.10486 of 2021

Suo-Motu writ petition

Vs

- 1 Union Government of India
Rep. by its Secretary Ministry of Health
and Family Welfare Department of Health and
Family Welfare Nirman Bhavan
New Delhi 110 011.
- 2 State of Tamil Nadu
Rep. by its Chief Secretary Fort St. George
Chennai 600 009.
- 3 State of Tamil Nadu
Rep. by its Principal Secretary Health and
Family Welfare Department Fort St. George
Chennai 600009.
- 4 The Commissioner
Disaster Management and Municipal
Administration Department Government of
Tamil Nadu Chennai 600 005.

5 The Director
Drugs Controller Department DMS Campus
Chennai 600018. ... Respondents

and batch cases.

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

It appears that both the State of Tamil Nadu and the Union Territory of Puducherry have been able to manage the second surge of the pandemic and the worst, it is hoped, is over.

2. There appears to be a slight fall in the number of daily positive cases reported, both in Tamil Nadu and in Puducherry. The number of deaths have gone up, but compared to the figures in the rest of the country, the incidence of fatality in the State of Tamil Nadu is among the lowest.

3. There is no clamouring for oxygen in either the State or the Union Territory, though the State apprehends that the 146 MT of daily supply of oxygen from the eastern corridor, which is not being fully delivered on a regular basis, may be completely disrupted if

severe cyclone Yaas were to hit the east coast as anticipated. The State Health Secretary indicates in his latest affidavit that Maharashtra has agreed to supply 20 MT of oxygen daily to the State. It is hoped that the Centre has an alternative plan to, at least, ensure the supply of the daily 519 MT of oxygen to the State as allocated. Learned Additional Solicitor-General has assured the Court that the possible disruption due to Yaas has been taken into consideration by the Centre and alternative arrangements may be indicated.

4. The numbers of beds in both the State and the Union Territory appear to be adequate. However, there are some complaints by the intervenors that, particularly in private hospitals, the rich and the influential are able to book a bed or an oxygenated bed without the patient being in need therefor. As a result, it is submitted that the less fortunate are being denied beds, as beds in government hospitals appear to be all filled up.

5. On the vaccine front, the Centre's affidavit indicates augmentation of production by various manufacturing units,

including Serum Institute, Bharat Bio-Tech and even Cadila. Learned Additional Solicitor-General informs the Court that as per the plan put in place by the Centre, 216 crore doses of vaccine should be available by the end of the year for every Indian to be fully vaccinated.

6. Awareness campaigns and like measures need to be undertaken to educate the citizens, particularly in the rural areas, to step forward and take the vaccine. Superstitions and archaic beliefs practiced in some communities stand in the way of scientific measures being implemented and there continues to be a resistance to accepting vaccination in certain sections of the society. Both the Centre and the State should take appropriate measures to allay the misgivings that may be harboured in such regard.

7. There have been cases of mucormycosis in the State and the required drugs are in short supply. The Centre has indicated that measures have been put in place to manufacture the drugs immediately and in bulk upon reducing the quantum of production of other medicines for the moment.

8. The future allocation of vaccines for Tamil Nadu appears to be somewhat disappointing. Though the Centre maintains that the allocation is based on the population of a State, the positivity rate prevailing in such State and like objective factors, the allocation to Tamil Nadu, as indicated in the Centre's affidavit, may require to be revisited. However, there is hope that vaccines would be available in greater numbers upon the various manufacturing units augmenting their production facilities.

9. Suggestions have been made by some of the intervenors in the prioritising of personnel who should be vaccinated first, particularly in the next month or two, when the supply of vaccine may not be adequate. Suggestions have been made that personnel involved in delivering food, the remaining police personnel, the remaining healthcare workers, and even advocates and Judges who come into contact with litigants should be earmarked for prioritised vaccination. It will be open to the State to take a considered decision in such regard.

10. All matters pertaining to Covid-19 will next appear on May 27, 2021, unless there is any matter of urgency which is filed in the interregnum.

(S.B., CJ.) (S.K.R., J.)
24.05.2021

Index : no
sasi

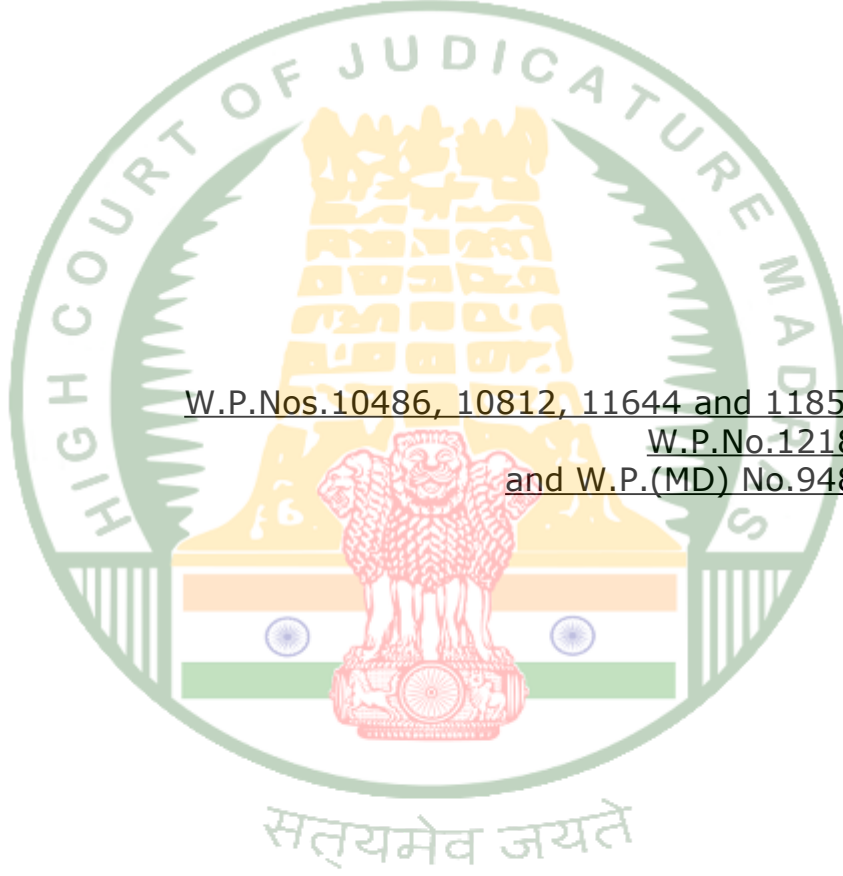


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W.P.No.10486 of 2021 etc.

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi)



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