

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE FIRST DAY OF APRIL, TWO THOUSAND AND
TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI JITENDRA KUMAR MAHESHWARI

AND

THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY

TAKEN UP WRIT PETITION (PIL) No. 86 OF 2020

In Re. Corona Virus-COVID-19 PANDEMIC

Verus

1. The Government of Andhra Pradesh, Represented by its Chief Secretary, Secretariat, Velagapudi, Guntur District.
2. The Principal Secretary, Health-Medical and Family Welfare Department, Secretariat, Velagapudi, Guntur District.
3. The Director of Medical Education, AP, Vijayawada.
4. Union of India, Represented by Secretary for Health & Family Welfare.

...Respondents

This petition coming on for hearing, upon perusing the oral order filed in support thereof and upon hearing the arguments of Sri C.Sumon, Special Government Pleader for Advocate General for respondent Nos.1 to 3 and Sri B.Krishna Mohan, Assistant Solicitor General for Union of India on behalf of respondent No.4, the Court made the following

ORDER :-

Per J.K. Maheshwari, CJ

This matter has been taken up by way of Public Interest Litigation whereby it is reported that 34 patients were brought to ASRAM Medical College, Eluru, West Godavari District. Out of those patients, 6 were found positive for Corona Virus - COVID 19 and the remaining are suspected to have contracted the virus as per the news item. The concern of the Court is

the availability of WHO-approved Personal Protection Equipment (PPE) for Doctors, Para-medical staff in the hospital on duty and the treatment facility to the citizens. The news depicts that the staff went on leave or non-cooperative due to non-availability of the PPE. Representation sent to the District Collector with the signatures of 329 medical and para-medical staff is also available on record. In such circumstances and taking note of the order passed by Hon'ble the Supreme Court today in Diary No.10795 of 2020 with regard to the pandemic Corona Virus – COVID 19, it reveals that the Bench asked the Solicitor General to respond on the petition. The Court further observed that on the basis of the pleadings, directions were sought against the Union of India to ensure availability of PPE and Hazardous Material Suits as per the recommendations of the WHO.

Sri C.Sumon, learned Government Pleader representing the learned Advocate General, has stated during hearing that 16 PPEs., have been provided to the hospital and the staff, however, the allegation made in the news and representation is not correct and the patients who have been brought to the hospital are being treated in a rightful manner by providing all basic cover to the Doctors and Para-medical staff.

The learned Asst. Solicitor General is also requested to intervene in the matter and respond on the said issue.

Advocate/petitioner, by name YMSRN Surya Teja, stated that he can go to the hospital and give the correct picture revealing the facts, as on today.

After hearing the learned counsel for the parties, we request the learned Government Pleader and the learned Asst. Solicitor General to respond on e-mail of the Registrar (Judicial) before 1.00 p.m., tomorrow.

In the meantime, we deem it appropriate that Sri T.Mallikarjuna Rao, I Additional District and Sessions Judge, Eluru and the Advocate/petitioner, YMSRN Surya Teja, who are at present in Eluru to visit the hospital and with the help of the in-charge of the Doctors that includes the Dean and the in-charge of the ward to supply information with respect to the following facts:

1. How many patients admitted in the hospital by this time; the details thereof be provided in two columns (i) name of the suspect patients

- (ii) name of the patients who tested positive for Corona Virus – COVID 19, their parents and children;
2. The details of the ward where such patients have been admitted and whether isolation facility is available in such ward and what are the facilities available therein;
 3. Who are the Doctors and Para-medical staff on duty to provide medical and other necessary items including food and facilities and whether the doctors and Para-medical staff have been provided PPEs., or not;
 4. Whether the patients have been duly treated specifying the prescription and other precautions, in addition to providing hygienic food and other nutrition supplements required as per the Doctors' advice.
 5. Whether the Government and the Dean in-charge is providing due care to those Doctors and Para-medical staff as specified in the WHO guidelines by changing their duties and providing them isolation for the specified time prior to assuming next duties;
 6. Whether the Corona-positive patients are maintaining distance with others that includes suspect patients thereby the possibility of further spread of Corona Virus – COVID 19 is minimized.
 7. While submitting the aforesaid information, it be also clarified as to who are the Doctors and the Para-medical staff who were on duty at the time of admission of the Corona-positive patients and suspect patients and also the who are the Doctors and Para-medical staff now on duty and treating them. Names of the Doctors and Para-medical staff be specified in this regard;
 8. The guidelines of the WHO are attached to this order for perusal of the inspection team.

All the concerned shall clarify the aforesaid position in their response on the e-mail of the Registrar (Judicial) by 1.00 pm., tomorrow, i.e. 02.04.2020, specifying the fact whether the order passed by this Court on 26.03.2020 in W.P. (PIL) No.83 of 2020 in the matter of providing

equipment has been observed in true sense and spirit. The response of the Government is also necessitated on the issue as to the place from which these Corona Virus – COVID 19 patients are hailing from, and, looking to their independent medical and travel history, what steps have been taken for checking the spreading of the Corona Virus – COVID 19 in the community or area of those patients.

The case shall be taken up tomorrow at 3.00 p.m., through Video Conferencing.

It is made clear that the Dean of the hospital shall provide necessary information and personal protection equipment to Sri T.Mallikarjuna Rao, I Additional District and Sessions Judge, Eluru and the Advocate namely YMSRN Surya Teja who would be visiting the hospital under this order.

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Sd/- T.VENU GOPAL RAO
REGISTRAR (JUDICIAL)



CORONAVIRUS DISEASE (COVID-19) OUTBREAK: RIGHTS, ROLES AND RESPONSIBILITIES OF HEALTH WORKERS, INCLUDING KEY CONSIDERATIONS FOR OCCUPATIONAL SAFETY AND HEALTH

Coronaviruses are a group of viruses belonging to the family of *Coronaviridae*, which infect both animals and humans. Human coronaviruses can cause mild disease similar to a common cold, while others cause more severe disease (such as MERS - Middle East Respiratory Syndrome and SARS – Severe Acute Respiratory Syndrome). A new coronavirus that previously has not been identified in humans emerged in Wuhan, China in December 2019.

Signs and symptoms include respiratory symptoms and include fever, cough and shortness of breath. In more severe cases, infection can cause pneumonia, severe acute respiratory syndrome and sometimes death. Standard recommendations to prevent the spread of COVID-19 include frequent cleaning of hands using alcohol-based hand rub or soap and water; covering the nose and mouth with a flexed elbow or disposable tissue when coughing and sneezing; and avoiding close contact with anyone that has a fever and cough.

WHO is working closely with global experts, governments and partners to rapidly expand scientific knowledge on this new virus and to provide timely advice on measures to protect people's health and prevent the spread of this outbreak.

Rights, roles and responsibilities of health workers, including occupational safety and health

Health workers are at the front line of any outbreak response and as such are exposed to hazards that put them at risk of infection with an outbreak pathogen (in this case COVID-19). Hazards include pathogen exposure, long working hours, psychological distress, fatigue, occupational burnout, stigma, and physical and psychological violence. This document highlights the rights and responsibilities of health workers, including specific measures needed to protect occupational safety and health.

Health worker rights include that employers and managers in health facilities:

- assume overall responsibility to ensure that all necessary preventive and protective measures are taken to minimize occupational safety and health risks¹;
- provide information, instruction and training on occupational safety and health, including;
 - Refresher training on infection prevention and control (IPC); and
 - Use, putting on, taking off and disposal of personal protective equipment (PPE);
- provide adequate IPC and PPE supplies (masks, gloves, goggles, gowns, hand sanitizer, soap and water, cleaning supplies) in sufficient quantity to healthcare or other staff caring for suspected or confirmed

¹ Including implementation of occupational safety and health management systems to identify hazards and assess risks to health and safety; infection prevention and control (IPC) measures; zero-tolerance policies towards workplace violence and harassment.



COVID-19 patients, such that workers do not incur expenses for occupational safety and health requirements;

- familiarize personnel with technical updates on COVID-19 and provide appropriate tools to assess, triage, test and treat patients and to share infection prevention and control information with patients and the public;
- as needed, provide with appropriate security measures for personal safety;
- provide a blame-free environment for workers to report on incidents, such as exposures to blood or bodily fluids from the respiratory system or to cases of violence, and to adopt measures for immediate follow-up, including support to victims;
- advise workers on self-assessment, symptom reporting and staying home when ill;
- maintain appropriate working hours with breaks;
- consult with health workers on occupational safety and health aspects of their work and notify the labour inspectorate of cases of occupational diseases;
- not be required to return to a work situation where there is continuing or serious danger to life or health, until the employer has taken any necessary remedial action;
- allow workers to exercise the right to remove themselves from a work situation that they have reasonable justification to believe presents an imminent and serious danger to their life or health. When a health worker exercises this right, they shall be protected from any undue consequences;
- honour the right to compensation, rehabilitation and curative services if infected with COVID-19 following exposure in the workplace. This would be considered occupational exposure and resulting illness would be considered an occupational disease,
- provide access to mental health and counselling resources; and
- enable co-operation between management and workers and/or their representatives.

Health workers should:

- follow established occupational safety and health procedures, avoid exposing others to health and safety risks and participate in employer-provided occupational safety and health training;
- use provided protocols to assess, triage and treat patients;
- treat patients with respect, compassion and dignity;
- maintain patient confidentiality;
- swiftly follow established public health reporting procedures of suspect and confirmed cases;
- provide or reinforce accurate infection prevention and control and public health information, including to concerned people who have neither symptoms nor risk;
- put on, use, take off and dispose of personal protective equipment properly;
- self-monitor for signs of illness and self-isolate or report illness to managers, if it occurs;
- advise management if they are experiencing signs of undue stress or mental health challenges that require support interventions; and
- report to their immediate supervisor any situation which they have reasonable justification to believe presents an imminent and serious danger to life or health.



Additional resources

As knowledge of the virus develops, WHO will continue to create and update [technical guidance](#).

Useful materials include:

- [Emerging respiratory viruses, including nCoV: methods for detection, prevention, response and control](#)
- [Surveillance and case definitions](#)
- [Early investigations](#)
- [Patient management](#)
- [Infection prevention and control](#)
- [Laboratory guidance](#)
- [Country readiness](#)
- [Risk communication and community engagement](#)
- [Disease commodity package](#)
- [Reduction of transmission from animals to humans](#)