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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decided on: 22nd May, 2020

+ W.P.(C) 3234/2020

ALL INDIA LAWYER'S UNION

..... Petitioner

Through: Mr.Fidel Sebastian, Adv.

Versus

GOVT. OF NCT OF DELHI & ANR.

..... Respondents

Through: Mr.Rahul Mehra, Standing
Counsel with Mr.Shadan
Farasat, Adv. for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D. N. PATEL, Chief Justice (Oral)**

1. Proceedings in the matter have been conducted through video conferencing.
2. This public interest litigation has been preferred with the following prayers:-

“a) *Pass an order directing the respondents to Publish the data relating to confirmed cases of COVID-19 and deaths occurring on account of the same through a daily bulletin every 24 hours, based on the figures being provided to the Govt. of NCTD by the various hospitals, both public and private;*

- b) *Pass an order directing the respondents to scrap the Death Audit Committee constituted by the Delhi Govt.;*
- c) *Pass any other order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case deemed fit and proper."*

3. It appears that the main grievance ventilated by the petitioner is about the publication of incorrect data, pertaining to the number of persons suffering and death occurred due to COVID-19 by the Government of NCT of Delhi.

4. In support of his submissions, the learned counsel for the petitioner has referred to Page No.6 of the paper book disclosing particular number of deaths conveyed by few hospitals whereas lesser numbers have been reported by the respondent/Government of NCT of Delhi.

5. Mr. Rahul Mehra, the learned Standing Counsel (Criminal) appearing for the Government of NCT of Delhi contradicted the averments which are mentioned by the petitioner and submitted that the same are baseless and not true. He further submitted that certain Guidelines have been issued by the Central Government dated 15th March, 2020 and 10th May, 2020 in this regard and a three member Death Audit Committee has been constituted by the Government of NCT of Delhi on 20th April, 2020 for auditing and publishing the data in question, consisting of the following members:-

- i) Dr.Ashok Kumar, Ex. DGHS - Chairperson
- ii) Dr.Vikas Dogra, RGSSH - Member
- iii) Dr.R.N.Das, MS-Nursing Homes - Member

6. It is further submitted by the learned counsel for the respondents that data relating to COVID-19 deaths have to be reported by all Central Government run hospitals, Delhi Government run hospitals and Private Hospitals in Delhi in a tabular form. On the basis of this data and also looking at the Guidelines issued by the Central Government, Death Audit Committee is publishing the figure of deaths occurred due to COVID-19. Thus, the Death Audit Committee has been following the aforesaid guidelines of the Central Government in full letter and spirit and no arbitrariness or discrimination is being done by the respondents while publishing the data in question. Therefore, this petition may not be entertained by this Court at this stage.

7. Having heard the learned counsel for the parties and looking at the facts and circumstances of the case, it appears that the whole case of the petitioner is based upon presumptions and surmises as the same has been filed on the basis of some newspaper reports without any proper research. It further appears that on the basis of the guidelines issued by the Central Government, the data is being collected from the hospitals in a proper format. It also appears that the respondents have constituted a Death Audit Committee on 20th April, 2020 for auditing the data in question received from different hospitals in Delhi and thereafter publish the same, as stated hereinabove. There is no doubt that the members of the Committee are experts in their subject and field. There seems to be no arbitrariness or discrimination being done nor is there any material to show false fabrication of data in question being published by the respondents.

8. We are not sitting in appeal against the reports published by the Death

Audit Committee from time to time. Moreover, there are no basis for the allegations to the effect that the Committee is not working properly.

9. We expect from the Death Audit Committee and the respondents that they will publish the data only after proper analysis of the data supplied by the Central Government run hospitals, State Government run hospitals and Private hospitals in Delhi. The data shall be maintained properly by the aforesaid Committee of experts and by the respondent/Government.

10. With these observations, this writ petition is disposed of at this stage. If necessary, the petitioner may agitate its grievances at a subsequent stage with proper supporting material.

CHIEF JUSTICE

PRATEEK JALAN, J

MAY 22, 2020

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