

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY ,THE EIGHTH DAY OF JUNE TWO THOUSAND AND TWENTY

:PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY**

WP(PIL) NO: 111 OF 2020

Between:

Amrita Aryendra, D/o Aryendra Kumar,

...Petitioners

AND

1. State of Telangana, Represented by its Chief Secretary, Secretariat, Hyderabad.
2. State of Telangana, Represented by its Special Chief Secretary, Department of Health, Medical and Family Welfare, Secretariat, Hyderabad
3. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
4. The Commissioner and Director, Medical and Health Department, Koti, Hyderabad.
5. The Indian Council of Medical Research (ICMR),, Rep., by its Director General, Health Research Department, Ansari Nagar, New Delhi - 110 029.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus, (i.) Declaring that the action of the State of Telangana in not taking appropriate measures to make all pandemic related data such as the particulars of the total number of tests conducted in the State of Telangana on each particular day, along with a tally of number of positive cases and deaths due to COVID-19 and the area-wise, gender-wise and age-wise segregation of the data, available to the public at large in a comprehensible manner as breach of its Constitutional duties and violative of fundamental rights of the citizens. (ii.) Directing the State of Telangana to have a dedicated web portal updated on a daily basis containing particulars of a.) Total number of samples tested, reports awaited, number of positive cases, number of active cases, number of cured, number of deaths b.) Number of individuals in Home and Institutional Quarantine c.) Number of symptomatic persons and asymptomatic persons d.) Chronology of Positive cases along with district and present statue e.) District wise distribution of cases f.) Details of passengers (including migrants, persons travelling through railways and airways) g.) Number and areas where Hotspots are situated h.) Age and Gender distribution to date i.) Co-Morbidity status among deaths j) Containment zones in each locality/district/city/area/mandal k.) List of centers/hospitals (government and private) accessible to the public at large to avail voluntary testing and such other information as this Honble Court deems necessary and appropriate (iii.) And award costs to the petitioner herein;

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent Authorities and in particular Respondent No. 2 to update on a day to day basis all pandemic related data such as a.) Total number of samples

tested, reports awaited, number of positive cases, number of active cases, number of cured, number of deaths; b.) Number of individuals in Home and Institutional Quarantine; c.) Number of symptomatic persons and asymptomatic persons; d.) Chronology of Positive cases along with district and present status; e.) District wise distribution of cases; f.) Details of passengers (including migrants, persons travelling through railways and airways); g.) Number and areas where Hotspots are situated; h.) Age and Gender distribution to date; i.) Co-Morbidity status among deaths; j.) Containment zones in each locality/district/city/area/mandal; k.) List of centers/hospitals (government & private) accessible to the public at large to avail voluntary testing and such other information as this Honble Court deems necessary and appropriate, available to the public at large in a comprehensible manner, Pending disposal of WP(PIL) 111 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI QAZI SALAR MASSOD AATIF Advocate for the Petitioner, THE ADVOCATE GENERAL (TG) Advocate for the Respondent, the Court made the following.

ORDER:

Mr. Qazi Salar Massod Aatif, the learned counsel for the petitioner, submits that in the middle of March, 2020, when the COVID-19 was beginning to spread across the State, the State Government was issuing a Media Bulletin on a daily basis, which contained a detailed information with regard to the Persons in Home Quarantine, Total Samples Tested, Total Samples Positive for COVID-19, Total Contacts of the Positive cases, Total contacts traced and contacted, the Number of Persons Quarantined in State Quarantine Centres, and with regard to admissions, and discharges, in different hospitals of the State.

However, after the COVID-19 cases started rising steadily, vital information, mentioned hereinabove, is no longer being published. According to him, the State of Kerala gives out information with regard to the Number of Persons Tested, the Number of Persons in Home Quarantine, the Number of Samples sent for Testing, the Number of Testing of Priority Groups, i.e., from the groups like healthcare workers, persons with high social exposure, workers, the age and gender of the patients. The said vital information is not being revealed by our State. Instead, the recent most Media Bulletin, such as one dated 26.05.2020 (Annexure 17), merely indicates the increase of total positive cases of COVID-19 as on that date, the number of confirmed positive cases, and the number of persons cured, or discharged, as on that date.

According to the learned counsel, until and unless the relevant data is collected, and publicized, the extent of the disease spreading through the population would continue to be unknown. Moreover, since the relevant data is not being publicized, people at large will be of the opinion that the pandemic is no longer a serious illness, and that they are safe to venture out, and they can afford to ignore the safety measures being prescribed by different guidelines issued by the Government. According to the learned counsel, this would only aggravate the situation as

surreptitiously, the disease would only spread its wings unknown to the innocent people. This may lead to a medical disaster.

He further submits that within the last two weeks, the number of persons infected with COVID-19, has been increasing phenomenally. But, since the Government is neither testing the people at large extent, nor revealing the relevant data, the phenomenal number of persons being detected may just be the tip of the iceberg. Therefore, the learned counsel prays that the Government should be directed to collect and publish the following data, not only on the internet, but also should be published prominently in the Print Media. The information, which, according to the learned counsel, is vital, is as under:-

- (i) Total number of samples tested, reports awaited, number of positive cases, number of active cases, number of cured, number of deaths.
- (ii) Number of individuals in Home and Institutional Quarantine.
- (iii) Number of symptomatic persons and asymptomatic persons.
- (iv) Chronology of Positive cases along with district and present status.
- (v) District wise distribution of cases.
- (vi) Details of passengers (including migrants, persons travelling through railways and airways)
- (vii) Number and areas where Hotspots are situated.
- (viii) Age and Gender distribution to date.
- (ix) Co-Morbidity status among deaths.
- (x) Containment zones in each locality/district/ city/area/mandal.
- (xi) List of centers/hospitals (government & private) accessible to the public at large to avail voluntary testing.

Dr. Srinivasa Rao, the Director, Department of Public Health, Medical and Family Welfare, Government of Telangana, Hyderabad, informs this Court that all this vital statistics are not only collected, but also analysed on weekly basis. Therefore, this data is readily available with the State Government. According to him, it should not be difficult for the State to publish the said data on a daily basis.

Therefore, this Court directs the State not only publish the vital data mentioned hereinabove on the Internet, but most importantly to have it published on the front pages of all the Newspapers in the Print Media. For, it is imperative that people should be made aware of the fact that the pandemic is only increasing day in and day out. It is essential that people should be made aware that they are required to take all the precautions necessary for controlling the pandemic.

Mr. B. S. Prasad, the learned Advocate General, seeks time to submit his report with regard to the steps being taken by the Government in the aforementioned terms.

List this case on 18.06.2020.

THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
SRI JUSTICE B.VIJAYSEN REDDY

//TRUE COPY//
T. Venkatesh
REGISTRAR (JUDICIAL)
9/6/2020

[Signature]
SECTION OFFICER

To,

1. The Chief Secretary, State of Telangana, Secretariat, Hyderabad. (by RPAD)
2. The Special Chief Secretary, Department of Health, Medical and Family Welfare, State of Telangana, Secretariat, Hyderabad (by RPAD)
3. The Principal Secretary, Medical and Health Department, State of Telangana, Secretariat, Hyderabad. (by RPAD)
4. The Commissioner and Director, Medical and Health Department, Koti, Hyderabad. (by RPAD)
5. The Director General, The Indian Council of Medical Research (ICMR), Health Research Department, Ansari Nagar, New Delhi - 110 029. (by RPAD)
6. One CC to SRI. QAZI SALAR MASSOD AATIF Advocate [OPUC]
7. One CC to THE ADVOCATE GENERAL (TG) Advocate [OPUC]
8. One spare copy

HIGH COURT

HCJ & BVRJ

DATED:08/06/2020

LIST THIS CASE ON 18-06-2020

ORDER

WP(PIL).No.111 of 2020

DIRECTION

