

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY ONE

:PRESENT:
THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B.VIJAYSEN REDDY

WP(PIL) NOS: 56 AND 58 OF 2020

WP(PIL). No. 56 of 2020

Between:

Mr. R. Sameer Ahmed, Advocate, 1st Floor, 10-3-311/2/A/3/A, Castle Hills Road No.1, Behind NMDC, Masab Tank, Hyderabad 500 057

...Petitioner

AND

1. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.
2. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
3. State of Telangana, Represented by its Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
5. State of Telangana, Represented by its Principal Secretary, Home Department, Secretariat, Hyderabad
6. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.
7. The Commissioner of Police, Cyberabad Commissionerate at Hyderabad.
8. The Commissioner of Police, Hyderabad city, Basheerbagh, Hyderabad.
9. State of Telangana, Represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Letter dated 27.03.2020 sent by the petitioner herein through email, the High Court may be pleased to issue an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for remarks from the Respondents herein relating to and in connection with "protecting the lives of the Doctors and their assisting staff in putting their life at risk by not providing complete Personal Protection Equipment i.e., N-95 Respirator Mask, Face shield, goggles, Corvell/ Gowns, Shoe covers, Head covers etc., while testing reasonable suspects and patients of Epidemic/Pandemic COVID-19", since the Government of Telangana has directed the Medical Practitioners/ Civil Assistant Surgeons serving in all Primary Health Centres (including Urban Primary Health Centres) to physically visit the residence of each suspect, examine and conduct counseling to reasonable suspects and the vulnerable family members having the recent history of traveling from abroad and that the said Officers are directed to continue the same activity on daily basis till the completion of 14 days of incubation period, as the State is duty bound to protect the lives of the Doctors and their assisting staff who are putting their life at risk without being provided complete Personal Protection Equipment i.e., N-95 Respirator Mask, Face shield, goggles, Corvell/Gowns, Shoe covers, Head covers etc., which amounts to sheer infringement of their Right to life enshrined under Article 21 of the Constitution of India

This petition coming on for hearing, upon perusing the Letter dated 27.03.2020 sent by the petitioner herein through email and earlier order dated 18.03.2021, 06.04.2021, 08.04.2021, 19.4.2021, 23.04.2021, 27.04.2021, 29.04.2021, 30.04.2021, 05.05.2021 & 11.05.2021 made herein and upon hearing the arguments of Advocate General on behalf of Respondent Nos. 1 to 3 and 5 to 9 and of Sri N. Ashok Kumar, Standing Counsel for Respondent No. 4,

WP(PIL) NO: 58 OF 2020

Between:

Sri. P. Thirumala Rao, Advocate Enrolment No. (AP/423/2000) Advocate Code - 8365

...Petitioner

AND

1. Union of India, rep. by its Secretary Department of Medical and Health, Central Secretariat, New Delhi.
2. Indian Council of Medical Research (ICMR), COVID-2019, New Delhi.
3. State of Telangana, Rep. by its Chief Secretary, Secretariat, Hyderabad.
4. State of Telangana, Represented by its Principal Secretary, Medical and Health Department, Secretariat, Hyderabad.
5. The Director of Medical and Health, Government of Tetangana, Koti, Hyderabad.

...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 an appropriate Writ, Order or Orders more particularly, one in the nature of a Writ of Mandamus to call for remarks from the Respondents herein relating to and in connection with Government imposing charges For COVID-2019 test on patients in this lockdown circumstances by private laboratories upto Rs.4,500/- is grossly arbitrary and discriminatory which would Frustrate and defeat the very purpose and objective of the Government and the Governments (both Central and State) ought to assure and undertake the Full responsibility of providing to the citizens, the treatment For COVID-19 CORONA VIRUS Free of cost at private medical laboratories and private medical establishments and to call for a status report on the diagnostic tests undertaken and treatment of COVID-19 patients and especially on the hygiene conditions in Hospitals which are treating COVID-19 patients, from the concerned authorities and to direct the Union of India and the State of Telangana to provide for diagnosis and treatment to patients suffering from CORONA VIRUS, Free of cost at private medical laboratories and private medical establishments

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and earlier order dated 18.03.2021, 06.04.2021, 08.04.2021, 19.04.2021, 23.04.2021, 27.04.2021, 29.04.2021, 30.04.2021, 05.05.2021 & 11.05.2021 made herein and upon hearing the arguments of Sri P. Thirumala Rao, petitioner Party in person and of Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General on behalf of Respondent No. 1 & 2 and of Advocate General on behalf of Respondent Nos. 3 to 5

Common Order:

1. Coming first to the affidavit of the Union of India, at the outset, we take notice of the latest developments after an order was passed by this court on 14.05.2021 in W.P (PIL) No.46 of 2021 staying the operation of the Circular dated 11.05.2021 issued by the State of Telangana that had placed restrictions on the entry of persons travelling from neighbouring States into the State of Telangana looking for admission into hospitals for COVID treatment. It is heartening to observe that the Central Government has acted with promptitude and on its own offered to scale up the supply of oxygen as also life saving drugs to enable the State Government to adequately cope with the

difficulties being faced in treating patients coming from outside into Telangana, which on a percentage wise basis, comes to 35% of the total admissions in private/Government hospitals, across the State. We have been informed that based on the directions issued by Hon'ble the Prime Minister, Union of India has conveyed its decision to revise the allocation of oxygen to Telangana from 450 MTs per day to 650 MTs per day and supply of Remdesivir injections from 5500 vials per day to 10,000 vials per day.

2. Mr. Surya Karan Reddy, learned Additional Solicitor General of India submits that as of now, the requirements of the State have been adequately met and vide order dated 06.05.2021, passed by the Supreme Court in SLP (Civil) Diary No.11622 of 2021 entitled Union of India v. Rakesh Malhotra, a National Task Force has been constituted to streamline the process and the said Task Force has been delegated with the duty of working in areas of infectious disease modelling, critical care, clinical virology/Immunology and Epidemiology/public health and the Union as also the State Governments/Ministries/Agencies and Departments are required to approach the said Task Force for increase in allocation of oxygen and other life saving drugs. It is now for the State of Telangana to approach the Task Force for any further increase in allocation of oxygen and life saving drugs, if so required.

3. Separate Status Reports have been filed by the Director of Public Health and Family Welfare, Government of Telangana, Director General of Police, State of Telangana, Commissioner of Police, Hyderabad, Commissioner of Police, Rachakonda and Commissioner of Police, Cyberabad.

4. In the Status Report filed by the Director General of Police, State of Telangana, reference has been made to the order dated 11.05.2021, issued by the State of Telangana declaring a lockdown across the State from 10.00 am of 12.05.2021 to 6.00 am of 22.05.2021 and it has been stated that detailed instructions have been issued to all the Commissioners of Police/Superintendents of Police and other Senior Officers of the State for ensuring strict compliance of the lockdown. The steps taken by the Police Department for enforcement of guidelines of lockdown and COVID appropriate behaviour have been set out in paragraph II. In paragraph III, details have been furnished about the deployment of a task force in each unit to nab those who are profiteering at the cost of COVID-19 and indulging in the hoarding of medicines of COVID or oxygen cylinders or black marketing the same. It has been stated that from 01.04.2021 onwards, 98 such cases have been booked. Annexure II, enclosed with the affidavit, furnishes the data of the number of cases booked under the Disaster Management Act, IPC etc., for not wearing masks, not maintaining social distancing, unlawful large public gathering in violation of night curfew/lockdown and consumption of liquor, pan, gutka, tobacco etc. The said data reveals that the total number of cases booked from 12.05.2021 to 15.05.2021 for the above violations are 50367 and the fine imposed during the said period is Rs.126.4 lakhs.

5. The affidavit further states that in terms of the order dated 05.05.2021, instructions have been issued to establish COVID Help Desks at all COVID hospitals where information relating to the details of the patients admitted, their health condition, availability of beds, handing over of belongings of patients and other activities as per the local needs are provided. As on 10.05.2021, 57 Help Desks have been set up by the State police at Government

COVID hospitals, out of which maximum number of Help Desks have been set up in Hyderabad, followed by Sangareddy, Ramagundam and Nalgonda.

6. Coming to the welfare of the migrant workers likely to return to their native places, the affidavit states that so far, there is no rush seen as most of them are actively engaged at their work places and wherever a situation does arise, the police shall set up Help Desks for assisting the migrant workers at Railway Stations, Bus Stops etc.

7. Coming next to the affidavits of the Commissioner of Police, Hyderabad, Commissioner of Police, Rachakonda and Commissioner of Police, Cyberabad, all the three affidavits have set out the steps taken to ensure that COVID appropriate behaviour is being strictly adhered to during the relaxed hours of the lockdown and it has been stated that the plan of action that was placed before this court on 11.05.2021, is being implemented strictly. The details of the cases booked for various violations in the respective Commissionerates have been set out in the three affidavits along with the annexures demonstrating the manner in which the lockdown has been enforced in the jurisdictions of the respective Commissionerates. Pendrives have also been furnished to this court containing the video footage showing enforcement of the lockdown, particularly during the festivities over the last weekend.

8. This court places on record its satisfaction as to the manner in which the three Commissioners have scrupulously discharged their duties in their respective jurisdiction, as was directed. They are expected to continue enforcing the norms of COVID appropriate behaviour in public places and strict adherence to the lockdown. We are also satisfied with the Report filed by the Director General of Police relating to the instructions issued for

adherence to the court orders, enforcement of the guidelines of the lockdown and COVID appropriate behaviour and setting up of Help Desks to assist patients/their attendants at Government hospitals, as also the efforts made to nab those who are indulging in profiteering and black marketing even in this time of crisis. It is directed that during the relaxed hours of the lockdown, adequate measures shall be taken by the local police to make the public adhere to the norms of social distancing and COVID appropriate behaviour.

9. At this stage, Mr. Prabhakar Chikkudu, learned counsel states that there is a report in a prominent newspaper today that a pregnant lady was denied admission in a Government hospital within the city of Hyderabad, due to which she lost her life on 14.05.2021. He submits that a precious life has been lost due to the gross apathy shown by the Government Maternity Hospital. It is further submitted that a similar incident had taken place last year during the lockdown imposed last year and the Government was cautioned by the court to ensure that all Government hospitals are advised not to insist on a RTPCR report for treating cases of medical emergency.

10. We may note that a similar order was passed by this court as recently as on 23.04.2021, directing that RTPCR report relating to COVID infection will not be insisted upon by Hospitals at the time of admitting emergent cases for treatment. The Director General of Police is directed to ensure that the Commissioners of Police/Superintendents of Police and Senior Officers of the Police in the State sensitize their units at the field level so that prompt assistance is rendered to anyone who approaches them for admission in a Government hospital. Appropriate advisories are also directed to be issued by the Health Department in this regard, for immediate compliance.

11. The Director General of Prisons has separately furnished the details of the category of inmates who have undergone vaccination as on 15.05.2021. Out of a total number of 1093 prisoners, 551 prisoners aged 45 years and above have been vaccinated with the first dose and 178 with the second dose. 364 prisoners have yet to be vaccinated with the second dose. In the age group of prisoners between 18 to 44 years numbering 6592, 892 prisoners have got vaccinated with the first dose and 288 with the second dose. 5412 prisoners have yet to be vaccinated. It has also been stated that the Prisons Department has taken several measures to prevent the COVID infection in prisons which includes supplying sufficient face masks, sanitizers, hand wash soap liquid etc., to all the inmates and staff, spraying sodium hypochlorite within and around the prison premises and vulnerable places, creation of a task force to enforce individual hygiene and cleanliness in and around the barracks, treating old, aged/ailing inmates, placing suspected/asymptomatic inmates in appropriate isolation barracks in the jail hospitals and screening of all newly admitted inmates and isolating them for two weeks, facilitating telephone calls/video conferencing to the inmates to interact with their family members etc.

12. It is deemed appropriate to direct the Director General of Prisons to ensure that the jail staff and all those who are permitted entry into the jail premises/barracks are regularly tested for COVID-19 infection as they could be carriers of the infection and in turn, infect the jail inmates. The Prison Hospitals shall regularly stock up necessary medicines and life saving drugs, oxygen cylinders etc., that may be required in an emergency for treating inmates infected with the COVID infection.

13. Coming to the affidavit filed by the Director of Public Health and Family Welfare, despite specific directions issued by this court on the previous dates calling upon the State to furnish a breakup of the number of samples collected on a daily basis, clearly indicating the number of samples tested through RTPCR and those tested through RAT, no such tabulated statement has been furnished. Instead, a date-wise statement of the collective number of samples tested, positive cases, positivity rate, mortality and the total number of active cases have been furnished in Annexure 1, which reveals that between 01.05.2021 to 14.05.2021, 9,68,594 samples were tested with 77,349 positive cases. The average positivity rate is 7.98% and the number of deaths has been stated as 584.

14. We may note that this court has been persistently harping about enhancing the number of tests, particularly through RTPCR and scaling up the testing to one lakh, but this seems to be falling on deaf ears. While the samples tested on 01.05.2021 were 76,330, the same have dwindled to 57,416 as on 14.05.2021. It has not even been stated in the affidavit as to how many tests were conducted in the above duration through RTPCR, for this court to assess the exact status. Henceforth it is directed that the State shall furnish a breakup of the samples tested while collating the data to be filed with the affidavits. Testing must be ramped up to get the correct data of the spread of infection. It is but natural that the positivity rate will go down if the testing is reduced.

15. The data at Annexure 2 furnishes the District wise tests conducted between 01.05.2021 to 14.05.2021, on a collective basis. Again, the court is unable to gauge as to how many tests were conducted on a daily basis, through RTPCR vis-à-vis RAT. Even if we go by the data furnished in Annexure 2, it

is clear that out of 33 Districts, more than 20000 samples have been tested by the State, only in 13 Districts, with the maximum of 3,07,090 tests conducted in GHMC (Hyderabad) followed by 59,081 tests in Ranga Reddy and 56,351 tests in Medchal.

16. The affidavit states in paragraph 7 that the data on the bed status is available on the web portal of the Government and the same is refreshed every 15 minutes. The said averment is vehemently disputed by Mr. L. Ravi Chander, learned Senior Advocate who submits that the real time data furnished on the web portal of the State is grossly misleading inasmuch as 390 hospitals on the list have clearly stated that they do not treat COVID patients which translates into over 5000 beds that ought to be excluded right away from the data furnished on the web portal of the State. The State is directed to make sure that the real time data furnished on its web portal is factually correct and the “available hospital beds” on the official web portal of the Health Department, is in sync with the ground reality. At present, it seems to be far off the mark.

17. In paragraph 10 of the affidavit, reference has been made to the Government Orders dated 15.06.2020, 06.07.2020 and 21.12.2020 in the context of maximum rates chargeable by private hospitals for various services provided by them for COVID-19 treatment and for conducting RTPCR tests. We are afraid, the said Government Orders have become outdated as it is well known that in the second wave of the COVID-19 infection, the method of diagnosis and treatment have drastically changed and it no longer makes any sense to exclude PPE kits, CT Scans and several critical blood tests necessary for investigation and treatment of COVID-19 infection, from capping of prices. The State Government is directed to issue a fresh Government Order

at the earliest, preferably by 22.05.2021, revising the charges for routine ward, oxygen beds, ICU beds, ventilator beds, ambulance charges etc., in private hospitals/Nursing Homes in consultation with the Telangana Super Specialty Hospital Association. The previous Government Orders shall also be revised within the same timeline to include capping of prices of PPE kits, CT scans and COVID related blood tests. The said Government Order shall be uploaded on the website of the Department of Health and displayed by all the private hospitals/Nursing Homes at a prominent place in the reception area and at the Billing Section.

18. Mr. N. S. Arjun Kumar, learned Advocate points out that during the first wave of the COVID-19 infection, the State Government had constituted a Three Member Task Force comprising of senior IAS Officers and had provided a grievance redressal number, but during the second wave, the said Task Force has not been made functional and nor has any grievance redressal number been provided. The State Government is directed to take immediate measures to reconstitute a High Level Task Force and furnish the details of its Members as also announce a grievance redressal number which shall be given adequate publicity in the press and the electronic media. The said Task Force shall also address the grievances of the public relating to being overcharged by private hospitals/Nursing Homes and redress them in a time bound manner.

19. In paragraph 17 of the affidavit, it has been stated that fixing of prices of drugs is not under the purview of the State Government and non-scheduled drugs are not included in the list of Drug Price Control Order (DPCO). The prices of non-scheduled drugs are fixed by manufacturers and National Pharmaceutical Pricing Authority (NPPA) monitors the increase of maximum

retail prices of the non-scheduled drugs. The ceiling price of the scheduled drugs is fixed by NPPA and is published in DPCO.

20. Mr. Rama Rao Immaneni, learned Advocate requests that the NPPA ought to be impleaded as a party and all the life saving drugs required for treatment of COVID-19 infection must be included in the National List of Essential Medicines by the NPPA.

21. It is deemed appropriate to issue notice to NPPA.

22. Mr. Namavarapu Rajeshwar Rao, learned Assistant Solicitor General of India who is present in the hearing, takes notice for NPPA. NPPA is directed to file an affidavit specifically responding to the aforesaid aspect well before the next date of hearing.

23. In paragraph 13 of the affidavit, it has been stated that care has been taken to ensure that the livelihood of the poor and vulnerable, particularly, the migrant labour is safeguarded during the lockdown period, that the labour is promptly paid the wages and all payments of wages and salaries etc., are released to those working on contract and outsourcing basis during the lockdown period.

24. Mr. Prabhakar Chikkudu, learned Advocate submits that the State Government may be directed to provide meals to those below the poverty line and/or the destitute through community kitchens. We have already highlighted this issue in an earlier hearing but are told that except for a couple of civic authorities like GHMC, most others have not tied up with NGOs and other philanthropic institutions willing to provide food packages through community kitchens on subsidized rates and/or free of cost, to the needy. The State is directed to take immediate steps to direct civic authorities

in each District to tie up with a local NGO/Institution for setting up community kitchens and providing free meals to the needy, particularly during the lockdown period. Appropriate orders shall be issued within 48 hours and the details of the community kitchens shall be provided on the website of every District as also publicized adequately. Relevant information in this regard shall also be furnished to the concerned District State Legal Services Authority for them to assess the situation on the ground and assist the District Administration in dissemination of information and in helping the needy to receive free meals.

25. The affidavit goes on to state that all construction works and project works where labour is available *in situ* or in secured labour camps, fall in the exempted category and that manufacturing industries have been permitted to take up manufacturing activities subject to following COVID appropriate behaviour and protocols. As for assisting the migrant labour to return to their native places, if they so desire, it is stated that the Railways are operating their services as usual and regular train services have not been suspended. The State Government is reviewing the migrant labour situation constantly and measures have been taken from time to time wherever warranted.

26. Lastly, coming to the strategy drawn up for vaccinating the public, it is stated that an action plan has been communicated to all DM & HOs for taking up vaccination of the underprivileged and vulnerable groups, including nomads, prison inmates, inmates in Mental Health Institutions, citizens in Old Age Homes, road side beggars, people residing in rehabilitation centres/camps etc. The District Task Force will have to identify such groups of people in their Districts and a key facilitator will be identified for each such group. The

District Immunization Officer will be responsible for organization of vaccination sessions at identified CVCs for providing coverage to the identified groups. The State is directed to see that those persons who are differently abled, are treated at par with persons suffering with comorbidities are given the same priority in vaccination.

27. The learned Advocate General states that neither the Government sector, nor the private sector has commenced vaccination for those below 45 years. We may note that no details have been furnished as to the number of doses administered in the Government sector. The State Government is directed to indicate in the next affidavit, the total number of persons in this State who fall in the age group of 45 years and above who have been administered the first dose, those who have been administered the second dose and the balance number of persons and the timeline within which vaccination is proposed to be administered to the remaining persons. This information shall include both, Government and private sectors. Details regarding vaccination of persons above 18 years to 45 years of age shall also be furnished in a similar manner. The State shall consider introducing Drive-in vaccination programmes in populous cities, to expedite the process and make it safe at the same time.

28. Mr. Rangaiah Macherla, learned Advocate states that the Government be directed to consider using Community Centres established in several localities for testing purposes as also for being converted them into COVID Care Centres. The State shall consider the said suggestion and take constructive steps in that direction, wherever feasible.

29. The State shall ensure that adequate number of mobile testing vans are made available in rural areas where access to testing is difficult and people

wanting to be tested are required to travel to far off places, particularly during the lockdown period, in the absence of any public transport.

30. Ms. Vasudha Nagaraj, learned Advocate requests that such of the members of the public/NGOs who have approached the State Government at the District level or otherwise for setting up a COVID Care Centre, should be entertained and their requests should be responded promptly, as that is the need of the hour. Ordered accordingly. The State Government should expedite the action.

31. Ms. Poojitha Gorantla, learned Advocate has drawn our attention to several press clippings where it has been highlighted that several children have been orphaned in the second wave of the COVID infection. They have lost their parents leaving them unattended and helpless and illegal online adoptions are being resorted to. She submits that the aforesaid issue needs to be addressed on priority, as it may lead to child trafficking. The Department of Women and Child Welfare, State of Telangana, shall file an affidavit regarding the steps taken in this regard to protect such children whose parents have succumbed to the COVID-19 infection and been orphaned and the manner in which they are being looked after and rehabilitated.

32. We have received an e-mail from Dr. Vrijilesh Rai stating *inter alia* that the State Government has been issuing COVID-19 treatment kits to the public which also contains Methylprednisolone tablets, which are steroids and not supposed to be taken except under medical supervision and prescription. It is stated by Ms. Vasudha Nagaraj, learned Advocate that one of the results of unregulated consumption of steroids is the fungal infection, called Mucormycosis that is spreading rampantly in the State of Telangana.

33. Learned Advocate General submits that one of the hospitals in Telangana, namely ENT Hospital at Koti, has been declared as a designated hospital to deal with black fungal infection. The next affidavit to be filed by the State shall give the details of the manner in which the State is proposing to address the aforesaid infection and make adequate medication available to treat the same.

34. Further, during the period of lockdown, the State is directed to take immediate steps to establish local markets and make available mobile vans for sale of groceries/vegetables and other daily essentials, so as to avoid crowding in big market areas. We have been informed that similar steps were undertaken by the State during the first wave of the COVID-19 infection. The State is directed to revive the said facilities at the earliest for the convenience of the public.

35. It has been brought to our notice that the outsourced and contractual staff working in Government hospitals rendering health services, have not been paid their wages for several months. The State Government shall ensure that the arrears of salaries/wages of the outsourced and contractual staff rendering health services in any Government hospital/Care Centre/Health Facility are released at the earliest. The next affidavit shall give the details thereof.

36. Further, it has been reported that several school teachers and other Government staff who were tasked with conducting the elections in the State recently, are suffering from COVID-19 infection and about 15 teachers have already succumbed to the infection. The State is directed to take immediate steps to ensure that those Government servants who were assigned poll duties and have got infected with COVID-19 infection, are given immediate medical

treatment. They shall be accorded the status of COVID warriors and given all the benefits at par with COVID warriors in this State.

37. Mr. N. S. Arjun Kumar, learned Advocate states that despite the order dated 30.04.2021, passed by the Full Bench of this court in Suomotu W.P Urgent No.3 of 2021 directing that the State Government or any of its Departments or any Municipal Corporation/Council/ Board or any Gram Panchayat or any other local body or any other agency and instrumentality of the State shall not take any action for eviction and/or demolition in respect of any property, except in respect of a property required for offering medical services/facilities over which any citizen or person or party or any Body Corporate, has physical or symbolic possession as on today, till 30th June, 2021, the State Government has recently dislodged persons from their houses in the course of executing the Mallannasagar Project.

38. Learned Advocate General states that he does not have ready instructions as the above issue has been raised in the course of hearing. But he assures that if any steps are being taken in this regard, they shall be halted. The State Government is bound down by the statement made by the learned Advocate General, as recorded above.

39. Several other issues have been raised by this court in the previous hearings, particularly on 23.04.2021, 27.04.2021 and 05.05.2021, which have not been addressed or responded by the State so far. The same are being highlighted below for ready reference. The State is directed to respond to each of the said aspects in the next affidavit.

23.04.2021:

(1) Establishment of 14 new laboratories by the middle of May, 2021.

- (2) Constitution of an Advisory Committee under Section 17 of the Disaster Management Act.
- (3) Creation of a network in collaboration with NGOs and other Institutions willing to contribute financially and/or with manpower to meet the needs of those living below poverty line, the destitute and the poor.
- (4) Review the decision to treat COVID patients only in COVID-19 designated hospitals and to make the public aware of the designated hospitals and Covid Care Centres.
- (5) Shifting migrant labour into night shelters, wherever required.

27.04.2021:

- (1) Ramping up testing through RTPCR.
- (2) Creation of another toll free number or identify one of the existing toll free numbers for calling for a hearse with ease.
- (3) Maintenance of a display Board and uploading of information regarding the number of bodies cremated/buried on a daily basis, in each cremation ground/burial ground.
- (4) Details of the facilities available in COVID Care Centres established in each District.
- (5) Oxygen audit by a Nodal Officer appointed by the State Government.

05.05.2021:

- (1) Increasing the number of samples to be tested to one lakh per day.
- (2) Ample publicity to the toll free number (040-21111111) to public and establishing similar call centres in all the Districts within one week.
- (3) Issuance of a rate chart for critical medical facilities to be implemented uniformly for all private hospitals in the State.
- (4) Filing the minutes of the meeting of the Advisory Committee constituted under the Disaster Management Act.

(5) Furnish details of the number of bodies cremated/buried on a daily basis for the period from 01.05.2021 to 10.05.2021. This information must be updated further.

40. The next affidavit shall also detail the strategy chalked out for dealing with the third wave of the infection that has been predicted by medical experts, so that this time, the State Government is not caught napping. Much focus shall have to be on ramping up medical facilities for children this time.

41. List on 01.06.2021. The Director of Public Health and Family Welfare, Government of Telangana, shall remain virtually present on the next date of hearing to assist the court.

//TRUE COPY//

SD/- R. KARTHIKEYAN
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Chief Secretary, State of Telangana, Secretariat, Hyderabad.
2. The Principal Secretary, Medical and Health Department, State of Telangana, Secretariat, Hyderabad.
3. The Principal Secretary, Municipal Administration and Urban Development, State of Telangana, Secretariat, Hyderabad.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund Road, Hyderabad.
5. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad
6. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.
7. The Commissioner of Police, Cyberabad Commissionerate at Hyderabad.
8. The Commissioner of Police, Hyderabad city, Basheerbagh, Hyderabad.
9. The Commissioner of Police Rachakonda Commissionerate, Hyderabad
10. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
11. The Principal Secretary, Women Development and Child Welfare, State of Telangana, Secretariat, Hyderabad
12. The Director General of Prisons, State of Telangana, Hyderabad (Addressees 1 to 12 by SPL. MESSENGER)
13. The Secretary Department or Medical and Health, Union of India, Central Secretariat, New Delhi. (BY RPAD)
14. Indian Council of Medical Research (ICMR), COVID-2019, New Delhi.(BY RPAD)
15. The Chairman, National Pharmaceutical Pricing Authority, Ministry of Chemical and Fertilizer, Government of India, 3rd and 5th Floor, YMCA Cultural Center Building 1, Jai Singh Road, New Delhi-110001(By RPAD)
16. The Director of Public Health & Family Welfare, Government of Telangana, Koti, Hyderabad.(By SPL. Messenger)
17. One CC to Sri P. Thirumala Rao, Party in person, (OPUC)
18. Two CCs to the Advocate General, High Court for the State of Telangana (OUT) (By Special Messenger)
19. Two CCs to the Mr.N.Rajeshwar Rao, Assistant Solicitor General, High Court for the State of Telangana, at Hyderabad (OUT)
20. Two spare copies

HIGH COURT

HCJ
&
BVR,J

DATED: 17.05.2021

NOTE: LIST ON 01.06.2021

ORDER

WP(PIL) NOS: 56 and 58 OF 2020



DIRECTION