

against the Private Corporate Hospital for violating the provisions of the various act mentioned herein above.;

The petition coming on for hearing upon perusing the petition and affidavit filed therein and order of the High Court dated 07.07.2020 & 14.07.2020 made herein and upon hearing the arguments of Sri Pratap Narayan Sanghi Advocate for the Petitioner, and Sri B.S. Prasad, the learned Advocate for the respondents 1 and 2 and Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General for the respondent No.3.

Common Order:

In compliance of the order, dated 20.07.2020, Mr. Somesh Kumar, the learned Chief Secretary, Government of Telangana, Mr. Syed Ali Murtaza Rizvi, the Principal Secretary, Medical, Health, and Family Welfare Department, Mr. Arvind Kumar, the Principal Secretary, Municipal Administration and Urban Development, Mr. Lokesh Kumar, the Commissioner of GHMC, Dr. Srinivasa Rao, Director of Public Health and Welfare Department, and Dr. Ramesh Reddy, the Director of Medical Education, are present before this Court.

The Principal Secretary, Medical, Health and Family Welfare Department, has filed the latest report, dated 28.07.2020 before this Court. The same shall be taken on record.

A bare perusal of the said Report clearly reveals that although many of the directions given by this Court, from 08.06.2020 till 20.07.2020, have been complied with, there are certain directions, both general and specific, which still need to be complied with by the respondents. Therefore, this Court has pointed out to the learned Chief Secretary that despite the fact that repeatedly this Court has directed that the Indian Council of Medical Research ('ICMR') guidelines, with regard to the testing of secondary patients, or secondary contact persons should be carried out, despite the fact that this Court has directed that the critical data should be published in the print and electronic media, these directions have yet to be implemented by the respondents.

A bare perusal of the Media Bulletin, dated 28.07.2020, which is the first detailed Media Bulletin issued by the Government, and is in compliance of the directions issued by this Court, reveals few interesting facts which have also been brought to the notice of the learned Chief Secretary: firstly, according to the data, with regard to the age and gender of the Covid-19 positive patients, it clearly reveals that those who are in the age group of 21-50, they are the most susceptible group in the population. For, according to the data submitted, 65% of the patients are falling in this particular age group. Meanwhile, only 25.6% of the patients are in the age group of 51-81 and above, is susceptible to Coronavirus. This court has also pointed out to the learned Chief Secretary that despite the availability of this data, the advisory being issued by the Government continues to inform the public at large that it is the children below the age of ten, and senior citizens above the age of sixty who are the vulnerable age group. The learned Chief Secretary submits that there is a distinction between "the vulnerable group" and those who are infected with "the incident of Covid-19". Therefore, the advisory continues to speak about the vulnerable group, but does not speak about the group which has a high rate of incident. However, since it is the age group of 21-50, which admittedly has the high rate of "incident", this Court directs that in the advisory, issued by the State, even this age group should be clearly advised

that it is they who need to take the precautionary measures as stipulated and prescribed, from time to time, by the Central Government, by the ICMR, and by the State Government.

This Court had also pointed out to the learned Chief Secretary that the critical data, which is now contained in the Media Bulletin, dated 28.07.2020, especially the first chart contained therein, needs to be publicized in the print and electronic media. The learned Chief Secretary informs this Court and gives an undertaking that he shall discuss this issue with the Commissioner of Information, Mr. Arvind Kumar, and with the print and electronic media houses, to ensure that the critical data is, indeed, published on a daily basis, both in the English Newspapers, as well as in the regional language Newspapers.

This Court has also suggested that even the Media Bulletin, presently being published in the English language, should equally be published in the Telugu language so that it is comprehensible to the larger number of people of the State.

Having brought the lacuna that still continue to exist, despite the best efforts of the State Government, the learned Chief Secretary gives an undertaking to this Court and seeks two weeks time to implement the directions of this Court with regard to the adherence to the ICMR guidelines qua the secondary patients, the publication of per million tests which need to be and which were on an earlier occasion published in the Media Bulletin, with regard to the increase of per million tests, with regard to the display boards being erected at all the hospitals, which have been designated as Covid-19 hospitals.

He further informs this Court that the Government has already established an application, namely HITHAM, as a pilot project. The HITHAM application has been working for the last five to six days. The HITHAM application aims to bring together the doctors and the patients. Through this Application, the doctor can be consulted by a Covid-19 patient, and the doctor, who is assigned with fifty patients, is free to advice the patient and his family members with regard to the medicines which need to be taken for Coronavirus, and with regard to the care required for such a patient. The learned Chief Secretary informs this Court that the HITHAM application would be kick started shortly, and would be available to the public at large throughout the State. He further informs this Court the HITHAM application, a new application created by the State and perhaps, the only one so far in the Nation, would be given wide publicity in the State.

He further informs that the Government had already started creating Isolation Centres, and Covid-19 Care Centres. The Covid-19 Care Centres are being created near major hospitals. Under the Covid-19 Care Centre scheme, hotels, from one star to three stars, are requested to give sufficient number of rooms so that the patients/their family members can be accommodated in these hotels. According to him, already ten locations have been earmarked. So far, 857 rooms have been made available, out of which, 248 rooms are currently occupied.

Ms. Vasudha Nagaraj, the learned counsel, has suggested that since the poorest of the poor may not be able to afford being lodged at a hotel, perhaps, the Government should think of utilizing the Community/Function Halls which are available throughout the cities, and even the Halls constructed by the Welfare Associations of

each neighbourhood for converting these Halls into Isolation Centres/Covid-19 Care Centres. Once these suggestions have been made, this Court requested the learned Chief Secretary to assess the viability of converting the Community/Function Halls and the Welfare Association Halls into isolation centres, and Covid-19 Care Centres for the benefit of the public at large. The learned Chief Secretary promises to do so.

The learned Chief Secretary further gives an undertaking before this Court that since there have been number of complaints about admitting the Covid-19 patients in different hospitals, the prevalent admission process in the hospitals would be simplified. Moreover, since the availability of vacant beds would be publicized on a daily basis in the Media Bulletin, the public would be requested to go to the hospitals with the vacant beds available qua the category of beds they particularly would require, i.e. whether they would require beds with ventilators, or Oxygen beds, or regular beds. Therefore, the learned Chief Secretary gives an undertaking before this Court that the admission process in the hospitals would be simplified for the benefit of the public at large.

He further gives an undertaking that the ESIC Hospital at Nacharam, which is presently catering only to the “mild patients”, would be upgraded with the facility of Oxygen beds so that the said hospital can also cater to the “moderate patients”. However, he informs this Court that the said hospital will not be in a position to take care of the “critical patients”, as the hospital is not well equipped to do so.

He further informs this Court that in consonance with the directions given by this Court to the Government to prescribe the maximum chargeable fees for medical tests, viz for MRI, CT Scan etc., the Government is also consulting the private hospitals. He assures this Court that within two weeks, the necessary orders/guidelines for prescribing the maximum chargeable fees for these tests would be issued. Moreover, he assures this Court that in the next report, even the action taken by the Government against the private hospitals would be spelt out.

He does inform this Court that sufficient number of telephone lines have been allocated for the public to complain with regard to the over-charging, the lack of proper service, refusal of beds, or with the safety concerns, within the private hospitals. According to him, so far, the respondents have received 726 complaints with regard to the functioning of the private hospitals. He assures this Court that these complaints will certainly be examined and the necessary action will be taken against the erring hospitals.

Mr. Arjun Kumar, the learned counsel, submits that in W.P. (Civil) Diary No. 10918 of 2020, the Union of India has submitted a set of guidelines, with regard to the functioning of the private hospitals in treating the Covid-19 patients, before the Hon'ble Supreme Court. He further submits that the said guidelines, issued by the Union of India, should also be considered by the respondents. Therefore, this Court directs the learned Chief Secretary to consider these guidelines issued by the Union of India while contemplating a scheme for supervising and controlling the functioning of the private hospitals within the State.

Mr. Pratap Narayan Sanghi, the learned counsel, further submits that the Insurance Companies have also issued certain guidelines. Therefore, even these guidelines should be considered by the learned Chief Secretary while coming up with a

new policy/new scheme for tackling the difficulties of the Covid-19 patients, who are undergoing in private hospitals.

Both Mr. Naresh Reddy, and Mr. Arjun Kumar, the learned counsel, claim that there is still fudging of numbers in the data being released by the State Government in its Media Bulletin. Mr. Naresh Reddy claims that despite the large number of people being infected with Coronavirus in Nirmal District, for the last four days, the Media Bulletin claims that there is only a single case of Coronavirus in Nirmal District. The learned counsel also points out that according to certain media reports, a number of deaths occurring in the State are larger than the numbers being reflected in the Media Bulletin issued by the Government. Therefore, this Court directs the learned Chief Secretary to examine this aspect. In case, the learned Chief Secretary does discover that there is a discrepancy in the data that needs to be put in public domain, he is directed to take the necessary steps within two weeks.

Mr. P. Nagesh, the learned counsel, submits that the Government should be advised to consider the possibility of converting 50% of the beds in the hospitals, which are designated as Covid-19 hospitals, as Oxygen beds so that the lives of the people can be saved. He also submits that the bereaving families, who are losing their family member due to Covid-19, are finding it difficult to cremate the dead body for lack of transportation facility. Thus, the Government may be directed to provide the Hearse vehicles available at Government cemeteries for the said purpose. The learned Chief Secretary undertakes to discuss the said aspects with the concerned authorities and would report the steps in his next report.

Mr. Nagesh, the learned counsel, further submits that the data given in Report, dated 28.07.2020 with regard to the availability of the Oxygen cylinders is incorrect. According to the learned counsel, although the Gandhi General Hospital is said to have 1,000 Oxygen beds, but according to the today's Media Bulletin, merely Ninety-five cylinders {(Type-A (5), Type-B 45, and Bulk (D) (45)} of the Oxygen cylinders are available in this particular category.

On the other hand, the learned Chief Secretary submits that the three categories of cylinders are used, either in the remote part of the building, or are used when a patient is brought in and is being carried to a particular ward. Moreover, a sufficient number of tanks are kept in order to refill the Oxygen cylinders. Since the fact being mentioned by the learned Chief Secretary is unclear from the Report, dated 28.07.2020, he is directed to clarify the issue with regard to the availability of Oxygen tanks in all the hospitals, designated as Covid-19 hospitals, in the next Report to be submitted by him.

Mr. Prabhakar Chikkudu, the learned counsel, has emphasised the fact that according to the ICMR guidelines, the Government should be using more and more Rapid Antigen Tests. The learned Chief Secretary does inform this Court that the Government has already started using the Rapid Antigen Tests. Initially, it had availability of 2,00,000 kits, and presently, the Government has ordered for 4,00,000 kits. As soon as these kits are received, the same will be utilised for testing as large number of samples as possible, so as to increase the number of tests per million. However, this Court has also brought it to the notice of the learned Chief Secretary that there are, indeed, media reports which claim that the Rapid Antigen Testing is not

a very effective test, as its accuracy is only 40%. Therefore, a few States, like Rajasthan, have already stopped the use of Rapid Antigen Testing as a diagnostic tool to discover the presence of Coronavirus. The learned Chief Secretary is directed to discuss the use of Rapid Antigen Testing Kits in the State with the High Power Committee, already constituted by the Government, and with the experts in the field to decide whether the State should continue with the using of Rapid Antigen Tests, or should fall back on the traditional test such as **Reverse transcription polymerase chain reaction (RT-PCR)**.

The learned Chief Secretary gives an undertaking that henceforth, all the Media Bulletins, issued by the State, will continue to be as detailed as the one which has been issued by the State today i.e. on 28.07.2020. He is further directed to ensure that the Media Bulletin should also contain the data with regard to "testing per million" as the said data is conspicuously missing from today's Media Bulletin. The learned Chief Secretary seeks two weeks time to not only furnish the next report clearly revealing the fact that the undertakings given by him have been duly complied with, but also for bringing on record the information sought by this Court on the issues mentioned hereinabove.

It is hoped that the directions issued by this Court would certainly be complied with within the period of two weeks. The learned Chief Secretary is directed to submit his next report on or before 11.08.2020.

The learned Chief Secretary and the other Secretaries are requested to be present before this Court on the next date.

The Registry is directed to list all these cases on 13.08.2020.

Sd/- M.MANJULA
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Secretary, Ministry of Health and Family Welfare, Union of India, Maulana Azad Road, Nirman Bhavan, New Delhi - 110011.
2. The Chief Secretary, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad. **(By Special Messenger)**
3. The Principal Secretary to the Medical and Health Department, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad. **(By Special Messenger)**
4. The Principal Secretary to the Finance Department, State of Telangana, Telangana Secretariat, B.R.K.R. Bhavan, Hyderabad.
5. The Principal Secretary to the Civil Supplies Department, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
6. The Principal Secretary to the Labour Department, State of Telangana, Telangana Secretariat, B. R. K.R. Bhavan, Hyderabad.
7. The Commissioner and Director, Medical and Health Department, Koti, Hyderabad, Telangana. **(By Special Messenger)**
8. The Commissioner, Civil Supplies Department, Civil Supplies Bhavan, H.No.6-3-655/1/A, 3rd Floor, Punjagutta Road, Somajiguda, Hyderabad, Telangana.
9. The Labour Commissioner, State of Telangana, T. Anjaiah Bhavan, RTC X Road, Hyderabad.
10. The Special Chief Secretary, Medical and health Department, State of Telangana, B. R. K. Bhavan, Hyderabad.
11. The Principal Secretary, Home Department, State of Telangana, Secretariat, Hyderabad
12. The Director General, Indian Council of Medical Research, (ICMR) COVID-2019. New Delhi.
13. Director of Public Health and Family Welfare, Government of Telangana, Hyderabad.

14. The District Medical and Health Officer (FAC), District Medical and Health Office, Suryapet Collectorate, Suryapet, Suryapet dist., erstwhile Nalgonda District
15. The Superintendent of (COVID -19), Gandhi Hospital, Secunderabad,
16. The District Collector, Nirmal District
17. The Superintendent of Police, Nirmal District
18. The District Health Officer, Nirmal District
19. The Commissioner, Telangana Vaidya Vidhana Parishad, Koti, Hyderabad.
20. The Director of Medical Education, Government of Telangana, Hyderabad.
21. The Chief Secretary, (GAD) Department, Secretariat, State of Telangana, Saifabad, Hyderabad.
22. The Under Secretary, Medical and Health Department (COVID-19) Central Secretariat, union of India, Sastry Bhavain, New Delhi.
23. Indian Council of Medical Research (ICMR), COVID-2019, New Delhi.
24. The Principal Secretary, Women and Child Welfare Department, State of Telangana at Hyderabad.
25. The Commissioner of Police, Hyderabad City, Basgeerbagh, Hyderabad.
26. The Principal Secretary, Revenue Department, State of Telangana Secretariat, Hyderabad.
27. The Principal Secretary, Municipal Administration and Urban Development, Secretariat, Hyderabad. **(By Special Messenger)**
28. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Band Road, Hyderabad. **(By Special Messenger)**
29. The Director General of Police, State of Telangana, Lakdikapool, Hyderabad.
30. The Commissioner of Police, Cyberbad Commissioner, at Hyderabad.
(Addressees 1, 4 to 6 and 8 to 26, 29 & 30 by RPAD)
31. Medical Superintendent Osmania General Hospital Hyderabad
32. Medical Superintendent District Hospital King Kothi, Hyderabad
33. Medical Superintendent, Government General and Chest Hospital Erragadda, Hyderabad
34. Medical Superintendent ESIC Medical College Hospital, Sanatnagar Hyderabad
35. Chief Medical Superintendent Central Railway Hospital, Lalaguda, Mettuguda Secunderabad
36. The Chairman, Deccan College of Medical Sciences, PO Kanchanbagh, DMRL X Roads Santoshnagar Hyderabad
37. The Chairman, Shaadan Institute of Medical Sciences Teaching Hospital and Research Centre, Himayatsagar Road, Hyderabad
38. The Chairman, Aayan Institute of Medical Sciences, Teaching Hospital and Research Centre Kanaka Mamidi, Moinabad Mandal Rangareddy District
39. Medical Superintendent, Kamineni Institute of Medical Sciences Sreepuram Narketpally Nalgonda District
40. Bhaskar Medical College and Bhaskar General Hospital, Rep by its Chairman Bhaskar Nagar, Moinabad Mandal Rangareddy District, Hyderabad
41. Apollo Institute of Medical Sciences and Research, Rep by its Chairman, Junilee Hills, Hyderabad
42. Superintendent Military Hospital Golconda, Hyderabad
43. Superintendent Military Hospital Trimulghery, Secunderabad
44. President, Telangana Super Specialty Hospitals Association C/o KIMS Super Specialty Hospital Secunderabad (Addresse-31 to 44 by RPAD)
45. One CC to Sri Prabhakar Chikkudu Advocate [OPUC]
46. One CC to Dr. K.P. Rajender Kumar, Party in person (OPUC)
47. One CC to Smt Gorantla Sri Ranga Pujitha, Advocate (OPUC)
48. One CC to Sri Naresh Reddy Chinnolla, Advocate (OPUC)
49. One CC to Sri Kowturu Pavan Kumar, Advocate (OPUC)
50. One CC to Sri Qazi Salar Massod Aatif, Advocate (OPUC)
51. Two CCs to Sri Namavarapu Rajeshwar Rao, Assistant Solicitor General (OUT)
52. Two CCs to the Advocate General, High Court for the State of Telangana (OUT) **(By Special Messenger)**
53. One CC to Smt Vasudha Nagaraj Advocate [OPUC]
54. One CC to Sri P. Thirumala Rao, Party in person, (OPUC)
55. One CC to Sri N.S. Arjun Kumar, Advocate (OPUC)
56. One CC to Sri Pratap Narayan Sanghi, Advocate (OPUC)
57. One CC to Sri.P.Nagesh, Advocate (OPUC)
58. Two spare copies

HIGH COURT

HCJ
&
BVR,J

DATED: 28-07-2020

NOTE: POST ON 13-08-2020



ORDER



WP(PIL) NOS: 56, 59, 61, 78, 82, 91, 92, 96,
111, 160, 156, 58, 140, 142 & 146 OF 2020

DIRECTION