

ITEM NO.26

Court 5 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION (CIVIL) No.7/2020

**IN RE: THE PROPER TREATMENT OF COVID 19 PATIENTS AND DIGNIFIED
HANDLING OF DEAD BODIES IN THE HOSPITALS ETC.**

(With appln.(s) for APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT, APPROPRIATE ORDERS/DIRECTIONS, CLARIFICATION/DIRECTION, EARLY HEARING APPLICATION, EXEMPTION FROM FILING AFFIDAVIT, EXEMPTION FROM PAYING COURT FEE, INTERVENTION APPLICATION, INTERVENTION/IMPLEADMENT, PERMISSION TO APPEAR AND ARGUE IN PERSON and PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ ANNEXURES)

WITH S.L.P.(C) Nos.6381-6382/2021 (III)

(With appln.(s) for I.R. and IA No.55834/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.55832/2021-EXEMPTION FROM FILING O.T. and IA No.55837/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 19-07-2021 These matters were called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH**

For Petitioner(s)

By Courts Motion, AOR

SLP 6381-82/2021

**Mr. Dushyant Dave, Sr. Adv.
Ms. Aparna Bhat, AOR
Ms. Marishma Maria, Adv.
Ms. Neha Sangwan, Adv.**

For Respondent(s)

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Mr. K.M. Natraj, ASG
Mr. Kanu Agarwal, Adv.**

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Applicant-in-person

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Mr. Renjit V Philip, Adv.
Mr. Saurabh Luthra, Adv.
Ms. Shilpa Liza George, Adv.

For Mizoram

Mr. Siddhesh Kotwal, Adv.
Ms. Manya Hasija, Adv.
Ms. Ana Upadhyay

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 By the order of this Court dated 18 December 2020, three specific directions were issued in regard to the maintenance and audit of fire safety measures in hospitals earmarked for Covid patients:
 - (i) All States and Union Territories were directed to appoint one nodal officer for each Covid hospital, who was to be made responsible for ensuring compliance of safety measures;
 - (ii) In each district, the State Government was to constitute a committee to carry on a fire audit of each Covid hospital at least once every month, inform the hospital management of any deficiency and to furnish a report to the government for taking follow up action.
 - (iii) Covid hospitals who have not obtained NOCs from the fire department were required to apply it immediately. These orders were to be followed for the immediate renewal of the NOCs. In the event that any Covid hospital was found not possessing an NOC including a renewal, appropriate action was directed to be taken by the State.
- 2 During the course of the hearing, it has transpired that on 8 July 2021, a

Notification has been issued by the State Government, by which an extended timeline has been issued for rectifying compliances for a period of three months commencing from the last date of the applicability of the Gujarat Epidemic Diseases Regulations 2020. The Court has been informed that the last date being 31 March 2022, the extended period of three months would commence thereafter. The issue whether the Notification has been issued in breach of the directions which were issued by this Court would merit being considered. Before we consider the matter any further, we are of the view that this aspect should be explained on affidavit by the State of Gujarat.

- 3 The Court has been apprised of the fact that the report of the Commission of Enquiry headed by Justice P M Mehta has been submitted to the State Government. Mr Maninder Singh, learned senior counsel appearing on behalf of the State of Gujarat with Ms Manisha Lavkumar, learned GP states that a copy of the report will be produced before this Court together with the action which has been taken by the State of Gujarat with reference to the recommendations which are contained in the report.
- 4 An affidavit dealing with both the aspects which have been referred to above shall be filed within a period of one week from today.
- 5 The State of Gujarat shall also file before this Court a comprehensive statement indicating (i) the audits which were conducted in pursuance of the order dated 18 December 2020; and (ii) the result of the audits specifically in terms of which hospitals were found not to be in compliance with the safety and other norms under the Development Control Regulations.
- 6 Mr Dushyant Dave, learned senior counsel appearing on behalf of the petitioners in SLP(C) Nos 6381-6382 of 2021 states that SLP(C) No 7546 of 2021 pending before this Court involves issues which may have a bearing on the subject matter of the present proceedings. On this aspect, he has, therefore, submitted that the aforesaid Special Leave Petition may be directed to be heard with the present batch of cases. We request the Registry

to place the matter before Hon'ble the Chief Justice of India on the administrative side so that such directions as are considered appropriate may be issued.

- 7 List the Petition on 2 August 2021.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master