

CJ & AKJ:
23.04.2021

W.P.No.6435/2020
and connected matters

(through video conferencing)

ORDER

1. The learned Additional Advocate General has submitted a draft of the compliance report and states that the compliance report is not finalised.

2. During the course of the hearing, shocking facts have been revealed. The learned counsel appearing for the Bruhat Bengaluru Mahanagara Palike (for short, "BBMP") in presence of the Chief Health Officer of BBMP disclosed the available beds position as of now. The situation appears to be very scary. As of now, there are only 32 HDU beds vacant in the City of Bengaluru. There are only 11 beds vacant of ICU plus ventilator and not a single ICU bed is available.

3. Yesterday, 15,244 positive cases have been reported in the City of Bengaluru. Thus, it can be safely said that there are hardly any beds available today in all the three categories which are material. Considering the manner in which the surge of COVID-19 positive cases has continued, we direct the State

Government and BBMP to immediately step into action and ensure that additional bed facility is created possibly by using the existing COVID centres. The State Government and all the concerned authorities shall immediately identify the availability of all the three categories of beds available in the nearby districts around Bengaluru Urban District.

4. We direct the State Government to take immediate action. The reason being that if there are more COVID-19 cases reported today, tomorrow and day after tomorrow, there will be no beds available in any of the three categories.

5. On the next date, the State Government and BBMP must furnish the data of additional beds created between today and the next date.

6. Immediate steps shall be taken to implement the direction contained in the order dated 22nd April 2021 for displaying of data about the availability of *Remdesivir* medicine. On the same lines, for the benefit of smaller hospitals, the State Government shall create a database of information regarding available oxygen supply in and around the City of Bengaluru. There is already a

direction issued about the updation of data of availability of *Remdesivir* drug in paragraph 10 of our order dated 22nd April 2021. On the same lines, the database shall be created for the supplies of oxygen in the city.

7. We direct the State Government to set up help desks outside the COVID hospitals in the City for helping the COVID-19 patients who cannot be admitted in that particular hospital. The help desks shall also provide information regarding the availability of *Remdesivir* medicine in the City.

8. I.A No.2 of 2021 has been filed in Writ Petition No.8619 of 2020. We permit the learned counsel for the petitioner in the said petition to serve a notice on the proposed fourth respondent along with the copies of all the material requesting the proposed respondent to appear before the Court and assist the Court on the next date. A copy of this order will be available on 26th April 2021. A copy of the order be provided to the proposed respondent by the learned counsel for the petitioner.

9. The draft compliance report also records that cremation of COVID-19 patients can be allowed in six remaining crematoriums in the Bengaluru city.

10. On the next date, the State Government will come out with clear figures of requirement of oxygen and the availability of oxygen in the State.

11. The State Government will also come out with the decision to purchase *Remdesivir* drug directly from the manufacturers so that the State Government can equitably distribute the same to various hospitals as per their demands.

12. List the petition on 27th April 2021 at 11.00 a.m.

13. The learned Additional Advocate General states that there will be difficulty in creating additional beds in the COVID centres. The State Government shall consider of approaching the hospitals of the different departments, hospitals of ESI, nursing colleges, Red Cross, Armed forces, Air force and other organisations.

14. An exhaustive compliance report shall be filed by BBMP and the State Government by 26th April 2021 evening. Soft copies be forwarded to all the advocates appearing for the parties.

15. When we are dictating the order, the learned counsel appearing for BBMP states that there are 46 beds available in the category of HDU.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

sp/AHB