

WP NO. 6435/2020

**Connected Cases: WP NO. 8671/2020, WP NO. 8619/2020,
WP NO. 8622/2020, WP NO. 8668/2020, WP NO. 10586/2020,
WP NO. 13395/2020, WP NO. 15309/2020, WP NO. 9214/2020,
WP NO. 8773/2021, WP NO. 8720/2021, WP NO. 8715/2021,
WP NO. 8475/2021, WP NO. 8868/2021, WP NO. 8969/2021,
WP NO. 9140/2021**

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

[MOHAMMED ARIF JAMEEL AND ANOTHER VS. UNION OF INDIA AND
OTHERS]

CJ & AKJ:

24.06.2021

(through video conferencing)

ORDER

CHAMARAJANAGAR INCIDENT

On the last date, we had heard the submissions of the learned Advocate General on the issue of enhancement of compensation to the families of 24 victims of Chamarajanagar hospital tragedy. The submissions were to be continued today. The learned *Amicus Curiae* has filed a memo giving suggestions on the minimum reasonable compensation which could be sanctioned to the families of 24 victims. The learned Advocate General states that if time of one week is granted, the State Government will consider the suggestions made by the Court during the course of hearing on the last date and will also take into account the suggestions made by the learned *Amicus Curiae* by filing a memo. Hence, we direct that the hearing on the said issue will continue on 1st July 2021 at 3.30 p.m.

BLACK FUNGUS (MUCORMYCOSIS)

2. Now, we come to the directions issued in the order dated 17th June 2021 on the issue of the cases of Covid associated Mucormycosis. In the written submissions filed today, the figures of total number of cases as of the morning of 23rd June 2021 have been placed on record. As on 17th June 2021, there were total 2817 cases of Mucormycosis in the State. Now, that figure has gone up to 3086. It is stated that as on 23rd June 2021, 2371 patients are under treatment. As of 17th June 2021, 217 deaths were reported. Now, the figure has gone up to 247. Total 144 patients have taken discharge against medical advice. Therefore, there seems to be a very steady rise in the cases of Mucormycosis. In terms of the order passed on the last date, a Circular has been issued on 23rd June 2021 by the Additional Chief Secretary to the Government, Health and Family Welfare Department directing all the Government Medical College Hospitals, District Hospitals and Taluk Hospitals to admit and treat Mucormycosis (Black Fungus) cases on priority basis. A direction has been issued that the Health Care Facilities in both the Government and the Private shall ensure reservation of sufficient number of beds for admission and treatment of Mucormycosis cases and also ensure that the bed availability and occupancy

status are displayed at a prominent place for the information of the public. In the written submissions filed today and in particular, in paragraph 7, the State has specifically stated that in all public hospitals, the treatment of Mucormycosis including administration of Amphotericin injection is free of cost and the entire cost will be borne by the State Government. This assurance is taken on record.

3. Moreover, there was a direction issued under the earlier order in paragraph 5 to start awareness campaign for making the patients who are infected with COVID-19 aware about the Mucormycosis disease and the nature and the effect of the said disease. However, on this aspect, compliance has not been reported. We direct the State Government to report compliance within one week.

VACCINATION

4. Now, we come to the issue of vaccination to persons with disability with particular reference to persons with benchmark disability or serious disabilities. Annexure-R6 to the written submissions filed today by the State Government indicates that about 53% of the persons with disability in the age group of 18 years and above have been vaccinated. However,

the same Chart shows that the performance of nine districts, when it comes to administering vaccines to persons with disability, is very poor. Necessary steps shall be taken by the State Government to ensure that directions are issued to the said nine Districts to improve their performance. Though Annexure-R7 contains the figure of total number of persons suffering from benchmark disability and other serious disabilities, the statistics regarding vaccination of the said category of persons with disability has not been placed on record. We direct the State Government to do so within a period of one week from today.

5. As regards the directions contained in paragraph 10 of the last order, though the State Government is relying upon the Circular dated 18th/21st June 2021, nothing is stated about taking specific steps to ensure that the requirement of the doses of vaccines of the smaller hospitals and hospitals in remote areas is aggregated while submitting the demand to the Government of India. The State Government needs to take immediate steps in this regard. In absence of any such steps, the guidelines issued by the Government of India for ensuring equitable access to the facility of vaccination cannot be implemented.

MID-DAY MEAL

6. As regards the issue of extending the facility of Mid-Day Meal Scheme during the summer vacation of 2021, the learned Additional Solicitor General of India states that notwithstanding the direction of this Court, the meeting of the Project Approval Board for considering the proposal of the State of Karnataka could not be preponed. We direct the Government of India to ensure that appropriate decision is taken on the proposal submitted by the State Government by the Project Approval Board on 2nd July 2021.

7. At this stage, the learned Additional Solicitor General of India states that as far as extending the facility of Mid-Day Meal Scheme during the summer vacation of 2021 is concerned, the Central Government has permitted the State Government to release the necessary amounts. In view of this statement, there is no impediment in the way of the State Government implementing the facility of Mid-Day Meal Scheme for the summer vacation of 2021. The steps taken in that behalf by the State Government shall be placed on record at the time of next date of hearing.

8. We may also record here that now, the Government of India has taken a decision to permit the use of Disability Certificate with photo issued to persons with disability by the Competent Authorities as one of the prescribed photo identity document for the purposes of vaccination.

9. The learned *Amicus Curiae* has invited our attention to a letter dated 24th June 2021 addressed to him by Smt. Farah Fathima, the learned counsel who is present through video conferencing. The difficulties faced by the rural population in getting free treatment for COVID-19 on beds reserved in private hospitals have been pleaded in the said letter. We direct the learned to Additional Government Advocate to take instructions on the grievances made in the said letter and respond on the next date by filing submissions.

10. At this stage, the learned counsel appearing for the petitioner in Writ Petition No.8619 of 2020 invited our attention to the direction contained in paragraph 19 of the order dated 5th May 2021. He states that 28 oxygen plants have been allotted to the State Government as per the press release issued by the office of the Hon'ble Prime Minister. He pointed out that though a direction was issued to the State Government to make a

statement regarding setting up of 28 oxygen plants, the said direction has not been complied with. As noted in paragraph 19 of the said order, setting up of oxygen plants will be a very crucial step towards preparedness to face further waves of COVID-19. We direct the State Government to place before the Court the steps taken to set up 28 oxygen plants. Compliance on this aspect be reported on the next date of hearing.

11. The learned counsel appearing for the petitioner in W.P.No.8969/2021 invited our attention to the prayers made in the petition regarding setting up of Real Time Data Portal containing real time updates of the data of COVID-19 beds and other particulars across the State. Even this suggestion merits consideration by the State Government as it will be again a step in the right direction to deal with future waves of COVID-19.

12. List the petitions on 1st July 2021 at 3.30 p.m.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

BKV/AHB