

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(PIL) No. 1301 of 2020

Court on its own motion Petitioner
Versus
State of Jharkhand & Ors. Respondents

with

W.P.(PIL) No. 1302 of 2020

Court on its own motion Petitioner
Versus
State of Jharkhand Respondent

with

W.P.(PIL) No. 1305 of 2020

Amarjeet Singh Petitioner
Versus
Chief Secretary, State of Jharkhand & ors. Respondents

With

W.P.(PIL) No. 1308 of 2020

Court on its own motion Petitioner
Versus
State of Jharkhand Respondent

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

For the Petitioner : Mr. Sonal Tiwary, Advocate
[in W.P.(PIL) No. 1305 of 2020]
For the State : Mr. Rajiv Ranjan, Advocate General
For the UOI : Mr. Rajiv Sinha, ASGI
For the RIMS : Dr. A.K. Singh, Advocate

Oral Order
Per Dr. Ravi Ranjan, C.J.

04/Dated:17.04.2020

We have heard the parties.

Since all the writ petitions, which are in the nature of *pro bono publico* and are having common cause pertaining to Covid-19, therefore, with the consent of the parties, they are being considered together.

In pursuance to the order dated 07.04.2020 passed in W.P.(PIL) No. 1301 of 2020, a counter affidavit on behalf of the Chief Secretary, Government of Jharkhand has been filed *inter alia* stating therein that 102526 persons have been home quarantined in 90125 private homes of all the 24 districts of Jharkhand State as on 15.04.2020, who are under surveillance of the respective Panchayat Sewaks/Jan Sewaks, ANM, SAHIYA and Anganwari Workers and are being monitored by Covid-19 Safe Apps. developed by the I.T. Department, Government of Jharkhand. The Deputy Commissioner of the respective districts have been directed to provide all basic amenities like beds, mattresses, drinking water, toilets and sanitation facilities in all the quarantined centres.

Till 15th April, 2020, total of 2785 samples have been tested and 27 samples have been found positive. These 27 patients are admitted in the dedicated Covid-19 hospitals set up for the purpose. It has been brought to the notice of this Court that three testing labs, one at MGM Medical College, Jamshedpur, second at RIMS and third at PMCH, Dhanbad are fully operational. Now, efforts are on to get approval from ICMR for making 4th lab functional at Itki Arogyashala, Itki, Ranchi.

With respect to the query about availability of kits etc. it has been stated that a total of 3460 testing kits and 3450 extraction kits are available at RIMS, 1947 testing kits and 2643 extraction kits are available at MGM Medical College, Jamshedpur and 2170 testing kits and 2170 extraction kits are available at PMCH, Dhanbad as on 15.04.2020 against the requisition of 35000 testing kits sent to ICMR. Further, it has been stated that Government has requested ICMR to provide 100150 rapid test kits for community screening which are yet to be delivered.

In furtherance to the aforesaid submissions, certain queries have

been made by this Court about any policy decision at State level to follow the guidelines of Ministry of Home Affairs, Union of India, observing lockdown in order to break the chain of infection and whether such policy includes any penal action against the erring officials found to be not following the guidelines of MHA.

In Prabhat Khabar and Times of India dated 17th April, 2020 two references of instances have been reported, first, pertaining to five persons of a hotspot area in the District of Ranchi i.e. Hindpiri which according to the State Authority is under complete lockdown by sealing the area, escaped to the district of Lohardaga which has been acknowledged even by the Deputy Commissioner, Lohardaga and second instance is of two local contractors of the Hindpiri area who have participated in the meeting held in the office of the Ranchi Municipal Corporation, Ranchi by attending it considerable for three hours approximately, as reported.

One of the writ petitions listed today is on the basis of a news published in Dainik Bhaskar dated 4th April, 2020 disclosing that several persons who came to Ranchi from outside the State were deported by Eight Buses without following proper protocol but after permission was granted by the authority, without any medical check up etc., however, the Deputy Commissioner, Ranchi vide order dated 29th March, 2020 cancelled such permission later on. The question herein is, the Ministry of Home Affairs, Union of India had notified the lock down on 24th March, 2020 then how and under what authority such persons could have been allowed to travel by arranging from eight buses without following the proper protocol by issuing an order on 29.03.2020. The subsequent order dated 29.03.2020 of the competent authority confirms that such relaxation was recalled in pursuance to the MHA guidelines about the lockdown

notified on 24.03.2020. This Court is amazed to note that though lockdown was notified on 24.03.2020 then how the authority could have granted such permission without following the proper protocol? This Court requires response from the Chief Secretary of the State of Jharkhand.

It has come in the newspaper that a show cause notice was also issued to the Deputy Commissioner, Ranchi on this issue. If that is correct then the reply of the Deputy Commissioner, Ranchi is required to be brought on record.

Now, this Court desires from the Chief Secretary of the State of Jharkhand to answer the following queries in a reply to be filed before the next date of hearing. These are:

- i) What policy has been framed by the State of Jharkhand to completely observe the MHA guidelines for lockdown and what action is purported to be taken if any person has been found to be negligent in discharging such duty in compliance of such policy?
- ii) What action has been taken against the erring officials as, even though there was sealing/containment of the area of the Hindpiri, five persons travelled and crossed the border of the Ranchi district and entered in the district of Lohardaga? Further how the two contractors of Hindpiri area, as reported in the daily newspaper as referred above, could have participated in the meeting held in the office of the Ranchi Municipal Corporation, Ranchi?
- iii) What steps the State Government has taken for effective sealing of the district boundaries so that the movement of anybody without any valid authority is completely checked at

the entry level of the districts?

- iv) Whether the State Government has any standard protocol to conduct test, identify and quarantine the suspected persons. If yes, let that protocol be disclosed to this Court. Whether the State Government has made appropriate provisions in that standard protocol to undertake antigen/antibody test as a preliminary test of the suspected persons including asymptomatic persons so as to optimize the benefits of scarce resources like testing kit for Covid-19?
- v) What effective steps the State Government has taken to ensure that the home quarantined persons follow the guidelines issued in this regard and whether the monitoring by SAHIYA, ANM and Anganwari Workers etc. is effective and sufficient? If no, what steps the State Government proposes to take for effective monitoring of such Home Quarantined person?
- vi) Whether the State Government has sufficient number of doctors (under Health and Ayush), nurses, paramedics, technicians and other health workers available at its command to ensure effective implementation of the guidelines issued for containing the Covid-19 pandemic? If no then what steps the State Government is proposing to take for augmenting their strength?
- vii) What steps the Government has taken to cater the need of other terminally ill patients suffering from chronic disease like heart, kidney etc., in all the medical colleges, hospitals/general hospitals of the State? What steps have

been taken to segregate the Covid-19 and non-Covid-19 patients in hospital and medical college hospitals throughout the State?

- viii) What steps have been taken by the State to deal with effective implementation of home quarantine/test and identification of the suspected people residing within the hotspots?

Whether installation of CCTV cameras in sufficient number for effective monitoring has been done?

What steps are being taken to protect Safai Karamchari and other Municipal workers involved in sanitization of such hotspots/contained zones?

- ix) What steps are being taken for sensitization of the erring and non-compliant people residing within the contained/hotspots zones?
- x) What steps the State Government has taken to follow the guidelines issued by the Hon'ble Supreme Court in W.P.(Civil) Nos. 468-469 of 2020 vide order dated 31.03.2020 dealing with the migrant labourers working outside the State?
- xi) The Chief Secretary of the State of Jharkhand is directed to explain as under whose authority and recommendation, the Deputy Commissioner, Ranchi by passing an order on 29th March, 2020 granted permission of movement of several persons who had come from outside without following proper protocol, details of which is there in the order dated 29.03.2020 as contained in memo no. 996 issued from the office of the Deputy Commissioner-cum-District Magistrate,

Ranchi and soon thereafter on the same day the permission granted for transit of buses was recalled by making reference of the MHA guidelines about lockdown till that time the buses had already left?

- xii) What steps the State Government has taken for identifying those persons who have been transported from Ranchi to various far away districts of the State including Sahebganj, Pakur and Koderma on 29.03.2020 under the orders of Deputy Commissioner-cum-District Magistrate, Ranchi, which was subsequently recalled pursuant to the orders of Home Secretary, Government of India?

What action has been taken against the erring persons?

Whether all those persons who were sent by 8-9 buses to different parts of the State were identified and effectively quarantined or examined for virus infection?

- xiii) Whether the State Government has adopted the practice of "Pool-sampling" in terms of ICMR guidelines so that the resources are optimally utilized?
- xiv) What policy/guidelines/preparations have been made by the State Government for dealing with the pandemic during the month of "Ramjan"?
- xv) What steps have been taken to locate and provide ration and temporary shelter to the persons belonging to transgender across the State?

It appears from the counter affidavit filed on behalf of the State of Jharkhand that requisition for supply of kits etc. have already been made

to the Ministry of Health, Union of India. Mr. Rajiv Sinha, learned Assistant Solicitor General of India has orally submitted that the medical equipment are being sent to the States on priority basis however, he has submitted that on the next date he will appraise this Court about the steps taken by the Ministry of Health, Union of India pertaining to supply of the kits etc. In view thereof, we hereby direct the Assistant Solicitor General of India to respond to above by filing reply also answering following questions:

- (a) What steps have been taken by the Union of India in response to the D.O. Letter No. 3900035 dated 08.04.2020 of the Chief Minister addressed to the Cabinet Minister, Ministry of Health and Family Welfare, Government of India asking for the supply of Hand Sanitizer, triple layer masks, Face masks N-95, PPE kits, ventilators and VTM kits?
- (b) Steps taken by the Central Government to ensure welfare of the migrants labourers belonging to the State of Jharkhand stranded in different States, in view of the directions issued by the Hon'ble Supreme Court in W.P.(Civil) Nos. 468-469 of 2020.
- (c) To make specific statement regarding non-supply of rapid testing kits to Jharkhand despite repeated asking.

In the W.P.(PIL) No. 1305 of 2020 a relief has been sought to direct the State of Jharkhand to provide meal and other facilities to the transgender as they are feeling helpless due to lockdown situation.

Learned Advocate General, without countering the averments made in the writ petitions and with all fairness, has submitted that the State of Jharkhand is duty bound to take care of transgender people also and as such he has put forth his suggestion for immediate relief in this context for

providing meal to the transgender people that if the learned counsel for the petitioner will furnish as a list of bonafide transgender people it will make the State Authorities to tackle the situation smoothly. The petitioner may act accordingly.

Be that as it may, let the State authorities respond to this writ petitions by filing counter affidavit.

All the counter affidavits shall be filed by the State of Jharkhand with respect to the above queries on behalf of the Chief Secretary of the State of Jharkhand on or before the next date of hearing after serving a copy thereof upon the learned counsel for the respective parties on their respective electronic mails.

Let these matters be posted again on 24th April, 2020.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)