

## THE GAUHATI HIGH COURT (HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH) (ITANAGAR BENCH)

Case No.: PIL 6/2020

1:Sange Dakpa Loda S/O KONIYANG LODA, MEBUA CAMP, EAST KAMENG DISTRICT, AP.

**VERSUS** 

1:THE UNION OF INDIA REPRESENTED BY THE SECRETARY, MINISTRY OF HEALTH AND FAMILY WELFARE, GOVT. OF INDIA, NEAR UDYOG BHAWAN METRO STATION, MAULANA AZAD RD, NEW DELHI, DELHI-110011.

2:THE STATE OF AP REPRESENTED BY THE CHIEF SECRETARY GOVT. OF AP CIVIL SECRETARIAT BUILDING BLOCK NO. 2 ITANAGAR-791113

3:THE STATE OF AP REPRESENTED BY SECRETARY DEPARTMENT OF HEALTH AND FAMILY WELFARE GOVT. OF AP NAHARALGUN AP.

4:THE DEPUTY COMMISSIONER
CAPITAL COMPLEX DIST. PAPUM PARE ITANAGAR AP

**Advocate for the Petitioner** : Sunil Mow

M Mili C Bangsia

**Advocate for the Respondent** : M Kato, CGC

S Tapin Sr. GA

T Tagum(SC) (Health Department)

## BEFORE HONBLE MR. JUSTICE NANI TAGIA

## **ORDER**

Date: 10-09-2020

Heard Mr. M. Mili, learned counsel for the petitioner.

Also heard Mr. M. Kato, learned CGC, appearing on behalf of Respondent No. 1; Mr. S. Tapin, learned Senior Government Advocate, Arunachal Pradesh, appearing on behalf of Respondents No. 2 & 4, and Mr. T. Tagum, learned standing counsel, Health Department, Government of Arunachal Pradesh, appearing on behalf of Respondent No. 3.

This Public Interest Litigation(PIL) under Article 226 of the Constitution of India, has been filed by the petitioner raising a concern that Covid-19 positive patients quarantined at Covid Care Centre, Lekhi, has not been provided with hygienic environment; sanitizing and disinfecting the premises on daily basis; no hygienic and quality meals, thrice a day, have been provided to enable the inmates to get strong immunity to fight against the Covid-19 disease; no psychosocial support system has been provided by the Doctors to the inmates; no sanitization workers to sanitize and disinfect the toilets and rooms of each wards have been provided; and no potable clean water and adequate bed-sheets have been provided for replacement of the used bed-sheets.

The Department of Health, Government of Arunachal Pradesh, in its affidavit-in-opposition, had stated that the management of Covid Care Centre, Lekhi, is under the control of the Deputy Commissioner, Itanagar Capital Complex, Itanagar, who acts as the Chairman of the District Disaster Management Agency.

The Deputy Commissioner, Itanagar Capital Complex, Itanagar, have also contended that the Covid Care Centre, Lekhi, is being managed as per the guidelines recommended by the WHO as well as the guidelines issued by the National Centre for Diseases Control(NCDC). The sanitization of the Covid Care Centre, Lekhi, is done thrice a day and adequate nutritious meals are also provided to the inmates and Covid-19 positive patients.

In view of the claims and counter-claims made by the contesting parties; this Court, vide order, dated 04.09.2020, had constituted a Fact Finding Committee (FFC), comprising of 5 members, to make a ground assessment on functioning and maintenance of the Covid Care Centre, Lekhi.

In pursuance thereof, the Fact Finding Committee(FFC) have submitted its report, dated 10.09.2020, today. A copy of the report has been furnished to the learned counsel for the petitioner.

After perusal of the report, dated 10.09.2020, submitted by the Fact Finding Committee(FFC), Mr. Mili, learned counsel for the petitioner, submits that according to the report; everything is in order at Covid Care Centre, Lekhi, and the same is managed in accordance with the guidelines, referred to hereinabove, except providing the psychosocial support to the inmates.

With regard to the provision of providing psychosocial support to the inmates, the Fact Finding Committee(FFC), at page 5 of the report, dated 10.09.2020, has stated as under:

"Due to lack of counseling psychologists, psychological support and counseling is given only through Tele-counseling on need basis."

According to the petitioner, as per the Guidelines for quarantine facilities for Covid-19, issued by the Director General, Ministry of Health & Family Welfare, Government of India(appended as Annexure-G to this PIL petition), Clause 15.0, provides, as under:

"15.0 Information, Education & Communication(IEC) and Pyscho-social support — As on arrival, there might be an obvious sense of psychological fear and panic among all the quarantine people and some of the involved stakeholders like healthcare professionals/staffs including doctors, security personnel, etc.. An interpersonal communication needs to made to all of them one after another in groups by Psychiatrist team initially and later on with individual counselling sessions. Quarantine people needs to be explained on Universal infection control measures, personal protective measure, written instructions on Do's and Don'ts in the quarantine zone to be provided to contain and avoid spread of the infection. Importance of frequent hand washing specially after touching surfaces like door handles, stair railings, bed railings, etc., to be instructed for strict compliance. Everyday quarantine people to be counseled by clinicians regarding day to day queries. If needed, referral to be made to psychiatrist/psychological team. If there is fear in the surrounding community, it needs to be addressed."

The petitioner, therefore, submits that as far as the psychosocial support system is concerned,

the same should be as provided in Clause 15.0 of the guidelines, referred to hereinabove.

Having heard the learned counsels appearing for the parties and also in view of the Fact

Finding Committee(FFC) report, dated 10.09.2020; that management of the Covid Care Centre, Lekhi,

is in order except in respect of providing of psychosocial support system; this Public Interest

Litigation(PIL) is hereby closed with a direction to the respondent authorities to take necessary steps

for providing psychosocial support to the inmates at Covid Care Centre, Lekhi, as provided in Clause

15.0 of the Guidelines, referred to hereinabove.

Liberty is granted to the petitioner to approach this Court again if any anomalies are brought

to light in the management of the Covid Care Centre, in question, if so advised.

A copy of the Fact Finding Committee(FFC) report, dated 10.09.2020, is taken on record and

shall form a part of the record.

The Public Interest Litigation(PIL) stands disposed in terms above.

**JUDGE** 

**Comparing Assistant**