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- * **IN THE HIGH COURT OF DELHI AT NEW DELHI**
- + **W.P.(C) 5256/2021 & C.M. Nos.16155-56/2021**
- MANISHA CHAUHAN Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ANR. Respondents
- + **W.P.(C) 5593/2021 & C.M. Nos. 17436-37/2021**
- MANVI SHARMA Petitioner
versus
GOVERNMENT OF NCT OF DELHI & ORS. Respondents
- + **W.P.(C) 5594/2021 & C.M. No. 17440/2021**
- ADHISHREE BELSARE & ANR. Petitioners
versus
GOVERNMENT OF NCT OF DELHI & ORS. Respondents
- + **W.P.(C) 3031/2020 & C.M. Nos. 15227-29/2021, 15358-363/2021, 15481-482/2021, 15652-653/2021, 15845/2021, 15869/2021, 15962-963/2021 & 16081-85/ 2021**
- RAKESH MALHOTRA Petitioner
versus
GOVERNMENT OF NATIONAL CAPITAL
TERRITORY OF INDIA AND ORS Respondents
- + **W.P.(C) 5050/2021 & C.M. Nos. 15464-66/2021 & 15694/2021**
- BHAVREEN KANDHARI Petitioner
versus
GOVT OF NCT OF DELHI & ORS. Respondents
- + **W.P.(C) 5100/2021 and C.M. No. 15623/2021**
- MANISHA GUPTA Petitioner
versus



GOVT. OF N.C.T OF DELHI & ANR. Respondents
+ **W.P.(C) 5241/2021**
SH. MANJIT SINGH Petitioner
versus
GOVT. OF N.C.T OF DELHI Respondent

MEMO OF APPEARANCE

For Petitioners:

Petitioner in person in W.P.(C) 3031/2020

Mr. Sanjeev Sagar and Ms.Nazia Parveen, Advocates in W.P.(C) 5256/2021.

Mr. Krishnan Venugopal, Senior Advocate with Mr. Manan Verma, Mr.Aditya N Prasad, Mr. Kaushik Mishra & Ms. Anmol Srivastava, Mr. Piyush Sharma, Mr. Shivendra Singh, Advocates in W.P.C No. 5050/2021.

Mr. Sacchin Puri, Senior Advocate with Mr. Praveen K. Sharma and Mr.Dhananjay Grover, Advocates in W.P.(C) Nos. 5100/2021

Ms. Karuna Nundy, Mr. Sarthak Maggon & Ms. Upasana, Advocates in W.P.(C.) No. 5102/2021.

Mr. Vivek Sood, Senior Advocate with Mr. Anish Chawla, Advocate in W.P.(C) No. 5241/2021

For Respondents:

Mr. Tushar Mehta, SGI, Mr. Chetan Sharma, ASG, Ms. Aishwarya Bhati, ASG along with Ms. Monika Arora, Mr. Amit Mahajan, Mr. Anil Soni & Mr. Kirtiman Singh, CGSCs, Mr. Syed Husain Adil Taqvi, GP, Mr. Jivesh Kr. Tiwari, Ms. Nidhi Parashar, Mr. Kanu Aggarwal, Mr. Kritagya Kumar Kait, Mr.Shriram Tiwary, Mr. Amit Gupta, Mr. Akshay Gadeock, Mr. Sahaj Garg & Mr. Vinay Yadav, Mr. Vidur Mohan, Mr. Waize Ali Noor and Mr. Taha Yasin, Advocates for UNION OF INDIA in all the matters.

Mr. Anurag Ahluwalia, CGSC with Mr. Abhigyan Siddhant & Mr. Nitnem Singh, Advocates for respondent/ UOI/ MOHFW/ ICMR.

Mr. Rahul Mehra, Senior Advocate along with Mr. Satyakam, Mr. Santosh Tripathi, SC Mr. Gautam Narayan, Mr. Anuj Aggarwal & Mr. Anupam Srivastava, ASCs with Mr. Aditya P. Khanna, Ms. Dacchita Sahni, Ms. Ritika Vohra and Mr. Chaitanya Gosain, Ms. Aayushi Bansal, Advocates for GNCTD in all the matters.

Mr. Rajshekhar Rao, Senior Advocate (Amicus Curiae), Mr. Anandh



Venkataramani, Mr. Vinayak Mehrotra, Ms. Mansi Sood, Mr. Karthik Sundar, Ms. Sonal Sarada, Mr. Areeb Y Amanullah, Advocates in all the matters.

Mr. Anil Grover, Senior Additional Advocate General for Haryana along with Ms. Bansuri Swaraj, Additional Advocate General for Haryana and Mr. Siddhesh Kotwal, Ms. Manya Hasija & Ms. Ana Upadhyay, Advocates.

Mr. Divya Prakash Pande, Advocate for respondent/ North Delhi Municipal Corporation & South Delhi Municipal Corporation.

Mr. Tushar Sannu, Standing Counsel, IHBAS and EDMC with Mr. Ankit Bhadouriya and Mr. Subham Jain, Advocates

Ms. Sakshi Popli, Additional Standing Counsel for NDMC.

Ms. Malvika Trivedi, Senior Advocate with Mr. Tanmay Yadav, Ms. Abhisree Saujanya, Ms. Nihaarika Jauhari, Ms. Eysha Marysha, Ms. Vidhi Jain, Advocates along with Ms. Kritika Gupta, applicant in person.

Ms. Garima Prashad, Senior Advocate with Mr. Abhinav Agrawal, Advocate for respondent in W.P.(C.) No. 3031/2020.

Mr. Ankur Mahindro & Ms. Sanjoli Mehrotra, Advocates for intervener.

Mr. Om Prakash & Mr. Pradeep Kumar Tripathi, Advocates for the applicant in C.M. No. 15651/2021.

Ms. Himanshi Nailwal with Mr. Ambuj Tiwari, Mr. Ankur Garg, Mr. Akhil Mitta, Advocates in C.M. No. 15922/21

Ms. Nitya Ramakrishnan, Sr. Adv. with Mr. Prasanna S, Ms. Vinoothna Vinjam and Mr. Ritesh D, Advocates in C.M. No. 15962/2021.

Mr. Anand Grover, Senior Advocate with Mr. Talha Abdul Rahman, Mr. M. Shaz Khan & Mr. Irshaan Kakkar, Advocates for the intervenors in W.P.(C) 5050/2021.

Mr. Rizwan, Advocate for the petitioner in W.P.(C) 5593/2021.

Mr. K.K. Singh, Advocate for the petitioner in W.P.(C) 5594/2021.

Mr. Aseem Chaturvedi & Mr. Ajay Bhargav, Advocates for M/s INOX.

Mr. Abhinav Tyagi, Advocate for M/s Seth Air Products.

Mr. Rohit Priya Ranjan, Advocate for M/s Goyal Gases.

Ms. Shweta Kabra, Advocate for M/s India Glycols Limited.

Ms. Prabhsahay Kaur, Advocate for Bachpan Bachao Andolan.

Mr. Abhishek Nanda, Advocate for IRDAI.

Ms. Urvi Mohan, Advocate for DBOCWW Board.



CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER
02.06.2021

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1. Mr. Rao has drawn our attention to his note dated 19.05.2021 and, in particular to paragraph D. In this paragraph, he has summarised issues flagged by Internet Freedom Foundation (IFF) in relation to the working of the COWIN mobile application. The first aspect highlighted is that, currently, only four people can register on one mobile phone number. He has pointed out that the same is a very small number compared to the overall population, and many persons who even use and operate a smart phone may not be able to operate the COWIN application either to register themselves, or others, for the COVID vaccination. The counter argument appears to be that the number has been limited to only 4, so as to prevent hoarding of vaccination bookings by middlemen. The respondents should keep in view the position as it exists on the ground, and there may be need for the respondents to increase the number of the registrations per mobile phone to cover large sections of the population. The approach and reasoning adopted by the respondents – taken note of hereinabove, does not appeal to us, for the reason that the primary object of the State should be to ensure vaccination of the maximum numbers of the population in the shortest period of time.

2. The second aspect raised is in relation to the data privacy policy in respect of the COWIN application. The data privacy policy has not been placed before the Court, and is not even disclosed on the portal of the Union



of India. Ms. Parashar states that the same shall be uploaded on the website/portal of the Union of India forthwith, and shall be placed before the Court within 4 weeks. Let the same be done.

3. The third aspect highlighted by the learned amicus is in respect of the captcha entry in the COWIN application. The captcha is a security feature, and the submission of Mr. Rao is that a large section of the population may not know how to operate the same, particularly the disabled and the handicapped persons may not be able to read the same. He submits that there could be alternatives, such as voice enabled captchas, or the adoption of the OTP Technology. The respondents should examine the same, and take appropriate measures within the next 10 days in this regard. The endeavour of the respondents should be to make the said mobile application as user friendly as possible, so that even the not so literate people are able to use the same.

4. The last aspect raised in this regard by Mr. Rao is with regard to the updating of the Frequently Asked Questions (FAQs). Mr. Rao submits that after the preparation of the note on 19.05.2021, the FAQs appear to have been updated, but not completely. The Union of India should ensure that the FAQs on the COWIN application are updated regularly, and all relevant information is provided to the people at large who use the application.

5. Ms. Prabhsahay Kaur has drawn our attention to the status report filed on behalf of the Department of Women and Child Welfare and Department of Social Welfare, Government of NCT of Delhi dated 27.05.2021. She is aggrieved by the fact that even though her meeting with the said Department



had taken place on 13.05.2021, minutes whereof were drawn on 16.05.2021, very little progress has been made in the implementation of the necessary steps to be taken to protect the interest of children, people with disabilities, and senior citizens who are affected by the COVID-19 Pandemic. Mr. Rao, learned Amicus has also aired the same view. Dr. Rashmi Singh, Director, WCD and Ms. Garima Gupta, Secretary, Department of Social Welfare are also present. We have interacted with Dr. Rashmi Singh at some length. We will take up issues raised by Ms. Prabhsahay Kaur tomorrow i.e. on 03.06.2021. She may circulate a short note to Mr. Satyakam and the learned Amicus during the course of the day –indicating the aspects that she would like to urge during the hearing tomorrow. Based on the same, the GNCTD should file its status report enclosing all the relevant records, correspondences and information. During the hearing tomorrow, the two Officers aforesaid shall also remain present to be able to assist the Court.

6. Ms. Parashar submits that Union of India shall place before the Court the latest status report with regard to audio-visual and print media push, and awareness programmes of the Central Government, and efforts to broadcast and popularise helpline numbers in respect of COVID-19.

7. The portal created with assistance of Prof. Dhir, IIT, Delhi for purpose of tracking the complete channel for distribution of *Remdesivir* should be made operational for all other medicines which are considered essential for treatment of COVID-19, and its fallout diseases such as *Mucormycosis* (Black Fungus). The GNCTD should report status in this regard by Friday i.e. 04.06.2021.



8. List on 03.06.2021

C.M. No. _____/2021 (not registered yet).

9. This application has been moved on behalf of the All India Drug Action Network (AIDAN) to seek a direction to the Principal Secretary, Department of Health & Family Welfare, Govt. of NCT of Delhi, or any other competent authority, to allow the applicant to participate in the decision making process regarding fixation of maximum rates for treatment of COVID-19 treatment in private hospitals.

10. Mr. Grover, learned senior counsel for the applicant submits that the applicant, looking to the nature of its activities, is interested in fixation of fair rates by the private hospitals for treatment of COVID-19 patients. He submits that ideally the applicant should have been heard in the meeting that was convened by the Director General of Health Services, GNCTD with the representatives of the private hospitals and nursing homes and their associations. He submits that the applicant has already made a representation to the Principal Secretary, (H&FW), Govt. of NCT of Delhi on 23.05.2021. The representation has been annexed with this application as Annexure A-4. He submits that this representation, and issues raised in the present application, should be considered at the time of taking a decision on the issue with regard to fixation of rates to be charged by private hospitals and nursing homes for treatment of COVID-19 patients.

11. Dr. Nutan Mundeja, the Director General of Health Services is present and she states that she has already forwarded the file with her recommendations on the said aspect. However, the same is pending before



the Chief Secretary, GNCTD. Looking to the urgency in the matter, we direct that the decision be positively taken within next one week. Since the final decision has not yet been taken, the representation made, and issues raised in the present application by the applicant, should also be taken into consideration before the decision is arrived at.

12. We are informed by Mr. Abhay Gupta, Advocate –_who has been appearing in these matters, as well as by learned amicus, that there are complaints pending with the GNCTD with regard to overcharging by certain private hospitals while treating COVID-19 patients. The GNCTD should look into those complaints and take decision and appropriate action, wherever called for. Whatever decision is taken, should be communicated to the complainants. Decision in this regard shall be taken in the next 3 weeks.

13. The Principal Secretary, Revenue-cum-Divisional Commissioner, GNCTD should file a status report – disclosing nature of complaints; particulars of complaints; and the action taken thereon, in the next 4 weeks.

14. The application stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

JASMEET SINGH, J

JUNE 02, 2021

N.Khanna/AKS