

IN THE HIGH COURT OF DELHI AT NEW DELHI
Writ Petition (Civil) No. 10412/2006

16.05.2008

Date of Decision: May 16, 2008

Common Cause

(A Registered Society) ... Petitioner

**! Through: Ms.Meera Bhatia, Advocate
with Ms.Pooja Aganpal, Advocate**

versus

\$ Union of India and Anr. ... Respondents

**Through:Ms.Monika Garg, Advocate
for UOI.**

**Mr.Amiet Andlay, Advocate for
Delhi Govt.**

CORAM:

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MS. JUSTICE VEENA BIRBAL

**1. Whether Reporters of local papers may be allowed to see the
judgment. No**

2. To be referred to the Reporter or not? No

3. Whether the judgment should be reported in the Digest? No

Veena Birbal, J.

1. Present petition is filed in public interest by common cause (a registered society) seeking direction from this court to issue a writ in the nature of mandamus directing the respondents to install close circuit cameras and sound system in ICU's in Government Hospitals.

2. It is averred in the petition that petitioner society has been taking up common problems of people for securing redressal thereof. It is averred that present petition is filed for installation of close circuit monitors in ICUs in hospitals so that there is check on the activities of hospital staff working there and conditions of patients in ICU is monitored properly. It is alleged that patient in ICUs are generally in critical conditions and require proper monitoring by nurses and their family members. It is alleged that by installing

close circuit monitors there will be a proper check on the conditions of patients. Further, medical superintendent and Heads of Departments in each of the ward can observe their staff and note their performance. It is alleged that unconscious and traumatized patients in ICU's Units are unable to convey their message to nurses for their needs and from the point of view of safety of patients, close circuit cameras and sound system should be installed in Government hospitals so that these patients can be looked after properly. It is further stated that family members and relatives of the patients admitted in ICUs are not allowed to visit inside to avoid infections as a result of which they are not in a position to know about the progress of their patients and if in ICUs, CCTV camera are installed their problems will also be solved. It is further averred that by means of close circuit cameras condition of each patient can also be closely monitored.

3. In response to above petition, counter affidavit of Dr. (Mrs.) B R Sawhney Chief Medical Officer, Directorate General of Health Services, Government of India, Ministry of Health and Family Welfare, Nirman Bhavan, New Delhi on behalf of Union of India/respondent No.1 is filed wherein it is stated that the Union of India has already decided to install CCTVs in strategic location in three Central Government Hospitals, namely Safdarjang Hospital, Dr. Ram Manohar Lohia Hospital and Lady Hardings Medical College and Associated Hospitals, New Delhi, in order to observe the flow of patients and also to ascertain and to keep vigil on the activities of the hospital. Some of the locations where it has been decided to install CCTVs are departments/wards including administrative block, MS Office, HOD Offices, corridors, OPD blocks etc of the aforesaid hospitals. The work in this regard have already been awarded to CPWD which is likely to be completed during the current financial year. As regards installation of CCTVs in ICUs are concerned, it is stated that ICU is an highly critical area wherein ratio of nurse : patient and doctor : patient is much higher as compared to general wards. The supervision by senior doctors is also rigorous in ICUs. Besides, there are warning systems in these ICUs connected to critical patients to alert the staff in case of change in the condition of those patients. It is averred that there is an adequate check on the activities of hospital staff and conditions of patient in the ICUs. It is further stated in the counter affidavit that the relatives/family members of the patients are allowed to enter the ICUs after properly briefing them the conditions of their patients from time to time. It is further averred that visual impression on the monitor by non medical person can sometimes be misleading and can in no way substitute the report by the ICU staff which is based on clinical and other parameters. It is further stated that monitors are already existing with each ICU bed for monitoring the condition of the patients. It is stated that it would be more appropriate to be more vigilant and to provide personal care to the patients in ICU instead of monitoring through CCTVs.

4. After filing of affidavit of Government of India i.e. Respondent no.1, this

Court vide order dated 20.12.2006 directed that facility of CCTVs be also extended to other hospitals which are being run by the Government of NCT of Delhi. In pursuance to said directions , Government of NCT of Delhi has submitted a status report dated 3rd September, 2007, as per which CCTVs have been installed in the following hospitals:-

?(i) Satyavadi Raja Harish Chander Hospital, Narela, Delhi

(ii) Deen Dayal Upadhyay Hospital, Hari Nagar, Delhi

(iii) Sanjay Gandhi Memorial Hospital, Mangol Puri, Delhi

(iv) Sardar Vallabh Bhai Patel Hospital, Patel Nagar, Delhi

(v) Chacha Nehru Bal Chikitsalaya, Geeta Colony, Delhi

(vi) Babu Jagjivan Ram Hospital, Janakpuri, Delhi (There is no ICU in the hospital)

(vii) Maharishi Balmiki Hospital, Pooth Khurd, Delhi

(viii) Aruna Asaf Ali Govt. Hospital, Rajpur Road, Delhi?

Annexure I annexed with the aforesaid status report shows the locations in the aforesaid hospitals/Medical Institutions wherein CCTVs/cameras have been installed. It is further averred in the status report that the installation of CCTV cameras is under progress in other hospitals run by Government of NCT of Delhi which is likely to be completed by 31.10.2007. The names of those hospitals are as under:-

?(i) Guru Teg Bahadu Hospital, Dilshad Garden, Shahadra, Delhi

(ii) Dr. Baba Sahib Ambedkar Hospital, Rohini, Delhi

(iii) Govind Ballabh Pant Hospital, Delhi Gate, Delhi

(iv) Guru Gobind Singh Hospital, Raghubir Nagar, Delhi

(v) Maulana Azad Institute of Dental Science, Delhi Gate, New Delhi

(vi) Lok Nayak Hospital, Delhi Gate, New Delhi?

Annexure II annexed with the status report gives necessary details about the

locations in the hospital wherein CCTV cameras are likely to be installed.

5. We have heard counsel for the parties and perused the record.

6. Counter affidavit of respondent no.1 shows that in three big hospitals of the city run by the Central Government i.e. Safdarjang Hospital, Dr. Ram Manohar Lohia Hospital and Lady Hardings Medical College needful has already been done by respondent no.1. Necessary details have also been given in counter affidavit of respondent no.1. Status report of Govt. of NCT of Delhi also shows that in six hospitals CCTV cameras have been installed and in remaining hospitals work of installation is in progress. The said report also mentions about the locations wherein as per Govt, the CCTV cameras will be more suited and will be more beneficial to the patients, their relatives and for supervision of staff. In the given circumstances, it will not be appropriate for this court to act as appellate authority over the conscious decision of government/hospital authorities. Government has given reasons for not installing CCTV cameras in ICUs of the hospital. We do not think that the reasons given by the government can be considered to be arbitrary. A perusal of counter affidavit of respondent no.1 also shows that a conscious decision has been taken about the locations where CCTV cameras have been installed. Thus, there is no cause for issuance of any directions by this court in this regard. Since needful has already been done, for the time being, no further directions are required from this court. It is hoped that hospital authorities will take full use of CCTV cameras for the purpose for which the same are installed i.e. for the benefit of patients, their relations and to remain vigilant on the activities of the staff. It is also

hoped that the authorities shall keep these CCTV cameras in proper working condition.

7. The writ petition stands disposed of accordingly with no order as to costs.

VEENA BIRBAL, J

T.S. THAKUR, J

May 16, 2008

ns

WP(C) No. 10412/2006 Page No.8 of 8