

**GOVT. OF NCT OF DELHI
DELHI DISASTER MANAGEMENT AUTHORITY**

F.No. 69/LC/H&FW/2020/170/434-452

Dated: 31/05/2022

ORDER

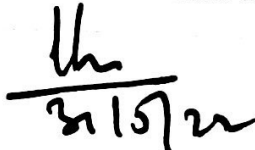
- (i) Secretary (H&FW) had issued an order dated 06.05.2020 under the Epidemic Diseases Act, 1897 directed all the Covid-19 testing labs to follow certain guidelines for effective tracking and monitoring of every COVID-19 suspected case getting tested in various accredited labs across Delhi.
- (ii) And whereas, an order dated 30.05.2020 under Disaster Management ACT, 2005 was issued by the Delhi Disaster Management Authority vide which certain guidelines were issued to carry out the Covid-19 tests.
- (iii) And whereas, Spl. Secretary (H&FW) had issued an order dated 17.12.2020 vide which certain directions were issued to all the Private Sector (RTPCR/CBNAAT/TrueNat) Labs regarding partnership with sample collectors and follow the various norms and guidelines issued by the ICMR from time to time.
- (iv) And whereas, Hon'ble Delhi High Court in WP (C) 5031/2020, vide order dated 06.08.2020 in para-4 & 5 of the order, directed as under:-

"4. Having heard the counsel for both the sides and looking to the facts and circumstances of the case, we hereby direct the concerned respondent authorities to initiate action, in accordance with law, against any illegal online health service aggregators operating in Delhi in violation of the applicable law, including the Clinical Establishment (Registration and Regulations) Act, 2010, if applicable, or in violation of any rules, regulations or government policies applicable to the facts of the case. Action will be initiated in accordance with law against such violators of the law as expeditiously as possible and practicable, after giving an adequate opportunity of being heard to the concerned parties.

5. Several examples have been given in this writ petition about such alleged violators. Since they are not joined as party respondents, we are not observing anything against any of the parties or so called violators of the law, as pointed out in the writ petition. It is open for the respondents to take action against any such violators of the law as stated hereinabove, after giving an adequate opportunity of being heard to the concerned parties."

- (v) And whereas, a contempt petition has been filed by Dr. Rohit Jain in the Hon'ble Delhi Court in Cont. Case (C) No. 739 of 2022 in the matter of Dr. Rohit Jain Vs. Vijay Kumar Dev &Ors. for the alleged non-compliance of the aforesaid order.
- (vi) And whereas, Hon'ble Delhi High Court in Cont Case © 739 of 2020 vide order dated 14.02.2022 in para-2 of the order, directed as under:-

"It would be in the fitness of things that a re-assurance to the residents of Delhi, if the GNCTD were to formulate and operationalize a regime for surprise checks, inspections and audits as may be appropriate. This should be done to ensure that: i)


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the services are being rendered by persons qualified to collect the samples; ii) the samples so collected are properly stored; iii) that the samples reach the laboratories within the stipulated time; iv) the tests are then conducted within the stipulated time and; v) the test report is then promptly disseminated to the part(ies) concerned. In view of the exigent circumstances, this timeline and methodology could well be formulated by the GNCTD under through its executive powers including under the National Disaster Management Act, 2005."

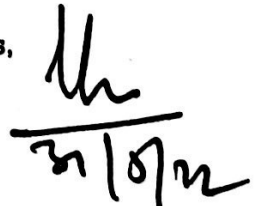
(vii) And whereas, Hon'ble Delhi High Court in Cont. CAS (C) 739/2020 vide order dated 09.05.2022 in para-3 of the order, directed as under:-

"The letter and spirit of the said order indicates that this Court had intended to ensure that labs and online health service aggregators, which were not accredited by NABL and had not received approval from the ICMR to collect samples and provide reports, did not function in the city of Delhi."

(viii) And whereas in compliance of the directions of Hon'ble High Court of Delhi as mentioned above and to ensure that Tests and Samples are picked up & processed by authorized & compliant/accredited labs of ICMR or NABL, it is considered essential that the Labs conducting Covid-19 related tests are regulated by GNCT of Delhi.

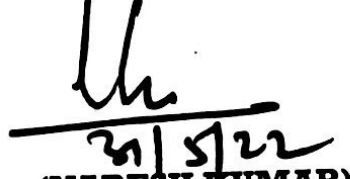
(ix) Now, therefore, in exercise of powers conferred under Section 22 of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, DDMA, hereby direct all the Labs (Government & Private) conducting Covid-19 related tests within N.C.T. of Delhi to comply with the following guidelines in carrying out the COVID 19 tests:

- a) Sample should only be collected by ICMR accredited labs for COVID-19 testing;
- b) All labs to ensure that their own sample collectors or an entity collecting samples on their behalf must ensure that all bio-safety and bio-security precautions are followed while collecting the samples including the Bio Medical Waste Management protocols.
- c) The personnel being employed by Labs should be adequately qualified as per the qualifications fixed by ICMR/NABL or any authorised agency of GOI.
- d) The labs store the samples as per the SOP/guidelines fixed by ICMR/NABL.
- e) The samples are collected, transported and processed by the labs expeditiously and reports uploaded within fixed time frame of collection in their respective portals and ICMR site as per the directions/instructions issued by ICMR, GOI, NABL, DDMA and Govt. of NCT of Delhi in this regard from time to time.
- f) Labs should comply with all the guidelines and directions of ICMR/NABL/GOI and GNCT of Delhi in this regard from time to time.
- g) District Magistrates shall conduct surprise check & inspections,


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- (x) It is further directed that the District Magistrates concerned shall supervise and ensure the compliance of the above directions by the COVID-19 Testing Labs/Hospitals situated within their jurisdiction and shall also ensure that any violation of the above directions is penalized under the appropriate provisions of section 51 to 60 of Disaster Management Act, 2005.

This issues with the prior approval of Hon'ble Lieutenant Governor, Delhi.


(NARESH KUMAR)
CHIEF SECRETARY, DELHI

To

1. All District Magistrates, Government of Delhi.
2. All ICMR Authorized Laboratories (Government & Private)- to be served through the respective District Magistrates.
3. All MSs/ MDs under H&FW Department, GNCTD.

Copy for information to:

1. Pr. Secretary to Hon'ble Lt. Governor, Delhi.
2. Addl. Secretary to Hon'ble Chief Minister, GNCTD.
3. Secretary to Hon'ble Dy. Chief Minister, GNCTD.
4. Secretary to Hon'ble Revenue Minister, GNCTD.
5. Secretary to Hon'ble Health Minister, GNCTD.
6. Secretary to Hon'ble Labour Minister, GNCTD.
7. Secretary to Hon'ble Social Welfare Minister, GNCTD.
8. Secretary to Hon'ble F&S Minister, GNCTD.
9. Addl. Chief Secretary (Home), GNCTD.
10. Pr. Secretary (Revenue) / Divisional Commissioner, GNCTD.
11. Secretary (H&FW), GNCT of Delhi.
12. Director, DGHS, GNCTD.
13. All CDMOS, GNCTD.
14. Director, DIP, GNCTD for wide publicity.
15. System Analyst, O/o Divisional Commissioner, Delhi for uploading the order on the website - ddma.delhigovt@nic.in.
16. Guard file.