

Court No. - 68

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 574 of 2020

Petitioner :- In-Re Inhuman Condition At Quarantine Centres And For Providing Better Treatment To Corona Positive

Respondent :- State of U.P.

Counsel for Petitioner :- Gaurav Kumar Gaur, Aditya Singh Parihar, Amitanshu Gour, Jitendra Kumar, Katyayini, Rahul Sahai, Rishu Mishra, S.P.S. Chauhan, Satyaveer Singh, Shailendra Garg, Sunita Sharma, Swetashwa Agarwal, Uttar Kumar Goswami

Counsel for Respondent :- C.S.C., Dhiraj Singh, Hari Nath Tripathi, Purnendu Kumar Singh, Satyavrat Sahai, Sunil Dutt Kautilya

Hon'ble Siddhartha Varma, J.

Hon'ble Ajit Kumar, J.

Today, essentially, submissions were made on the following issues:-

I. The Vyapar Mandal made a request that any parking issue might not be disturbed as the same is already being looked into and has yet not been finally decided in Public Interest Litigation No. 1289 of 2019 (In Re Parking Problem In Civil Lines Prayagraj And Other Places vs. State Of U.P. And 7 Others). Since we are of the view that amongst various remedial measures which we are taking up in the instant Public Interest Litigation, parking should also be looked into, let the aforesaid Public Interest Litigation be also placed along with this Public Interest Litigation after getting a proper nomination from Hon'ble the Chief Justice.

II. The second issue which was argued was with regard to masks and sanitizers. It has been submitted by various counsel who were assisting the Court that masks and sanitizers are not upto the mark. Sri Purnendu Kumar Singh, Advocate appearing for the Central Government may produce before us all standards and guidelines with regard to masks and sanitizers which have been set by the Indian Council of Medical Research (ICMR).

III. There was a sincere concern raised by the members of the Bar with regard to the vaccine for warding off the COVID-19 virus. The learned counsel for the Central Government submitted that he had no instructions as to in what manner the trial of the vaccines of the COVID-19 were being proceeded with. He may also by the next date take instructions as to how trials are being proceeded with and as to by when ICMR or the concerned Authorities propose to finally complete the trials on the vaccines.

IV. So far as the division of powers vis-a-vis Municipal Corporation and Prayagraj Development Authority (PDA) is concerned, Sri S.D. Kautilya, learned counsel appearing for the Nagar Nigam Sri Paul for the PDA and Sri Vishal Tandon, learned counsel appearing for the State prayed for further time to prepare the case.

V. Sri A.P. Paul, learned counsel for the PDA may also file an affidavit as to under which conditions development was done in the year 2018-19 on land which had already been transferred to the Nagar Nigam.

In our country, to begin with, we very successfully locked down the country for good three months. While the lockdown was imposed, we found that police was really effective. Today, when social distancing and wearing of masks has to be done in letter and spirit we find that strict enforcement is missing. Quite often, it has been found that even police personnel outside their police stations are not wearing masks. It is possible that the Task Forces, which have been constituted by the Senior Superintendent of Police and the Superintendent of Police in various districts, might be enforcing social distancing and they might be asking people to wear masks but the usual civil police have not reacted in the manner they ought to have.

So far as the stricter implementation of our order dated 23.09.2020 is concerned, various suggestions have been rendered by various counsel present in the Court and they are as under:-

(i) All police personnel and all Government employees should compulsorily wear masks. They submitted that unless they themselves wear masks they cannot ask others to do so.

(ii) It was suggested that the head of every institution in the State of U.P. should in the morning hours everyday try to sensitize as many people as possible in their departments for wearing of masks and for maintaining of social distancing.

(iii) Every citizen should be given the liberty to ring up at the toll free numbers to inform persons responsible if they see anyone not wearing masks or not maintaining social distancing.

(iv) It has further been suggested that police in every district should take rounds without any interval on foot, mount, motorcycles, Jeeps or by any other mode and they should, thus, keep a round the clock vigil just as they used to do when the lockdown was imposed. The counsel expressed their surprise why when the police used all its strength and power to impose the lock down it was not using its power to see that people wore masks now when it was required on an urgent basis

(v) The counsel present also suggested that the Government be advised to stop people from eating on roadside eateries, restaurants, *chat-thelas* and *lai-thelas*. The counsel present suggested that no one should be allowed to have *pan* and tea from the open kiosk. It was vehemently suggested that people may be allowed to get their food packed and they take those packets to their homes and have them there but

they cannot, without their masks, be allowed to have food, pan or tea in the open. This would spread the virus without any inhibition. It was suggested that consumption of alcohol, just like hookas, be prohibited outside the Model Wine Shops.

We have noticed the trend of growth of the virus all over the world and we have found that there are spikes in active cases and, thereafter, active cases lessen. When the growth lessens people become more relaxed and stop following the norms of social distancing and that of wearing masks. However, such countries where people have consciously worn masks and have maintained social distancing the number of growth of active cases considerably came down.

Put up this case on 30.09.2020 at 2:00pm. On the next date, suggestions as have been given in the Court may be looked into by the learned Additional Advocate General, representing the State.

Order Date :- 28.9.2020

PK

(Siddhartha Varma,J.)

(Ajit Kumar,J.)