

**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,Rishu Mishra,S.P.S. Chauhan

**Counsel for Respondent :-** C.S.C.,Purnendu Kumar Singh

**Hon'ble Siddhartha Varma,J.**

**Hon'ble Ajit Kumar,J.**

1. Heard Sri S.P.S. Chauhan, learned counsel for the petitioner, Sri Manish Goyal, learned Additional Advocate General assisted by Sri A.K. Goyal, Advocate for the State of U.P., Sri S.D. Kautilya, learned counsel appearing for Nagar Nigam, Sri Shashi Prakash Singh, learned Additional Solicitor General of India through Video Conferencing assisted by Sri Purnendu Kumar Singh, learned counsel appearing for the Government of India and Ms. Rishu Mishra, Advocate through Video Conferencing.

2. Lockdown for the prevention of the spread of Covid-19 virus was clamped on 25.03.2020. Thereafter, when in view of the experts the economy could be opened up, it was decided that in a phased manner economic and other activities would be revived. The Government, therefore, came up with the concept of "Unlock-1" and "Unlock-2". Though we see that the economy is reviving, we are also seeing from the various news reports that the infection of Covid-19 virus is speedily rising. This probably is because of the fact that the denizens of the State of Uttar Pradesh do not understand the concept of "Unlock-2". By Unlock-2, the experts of the Government had meant that even though economic and other activities would open up, people would have to be more careful. They would have to observe physical distancing in letter and spirit and also would have to stick to various precautions; namely, frequent washing of hands, wearing of masks and maintaining of regular hygiene.

3. Somehow because of the Unlock-2, our people have got a wrong impression that they can now freely mix with each other and move around. Keeping this in mind, we had on 25.06.2020 directed the State of Uttar Pradesh through the Director General of Police to make the wearing of masks compulsorily. We had also directed that Mohalla Committees to be more cautious and vigilant and to report about persons in the Mohalla who were showing symptom like Influenza.

4. However, in the past few days, we have observed ourselves in various news portals and also have heard from various experts that people are not at all bothered of the physical distancing norms and also about the taking of various precautions like wearing of masks and washing of hands etc.

5. When the case was taken up today, the chief question which arose for consideration was as to how the concept of physical distancing should be implemented and also as to how the wearing of masks should be enforced compulsorily. In this context, the Learned Additional Advocate General Sri Manish Goyal assisted by Sri A.K. Goyal submitted that they would be having a high level meeting to come up with ways and means to see that how physical distancing would be maintained in the State of U.P. and how wearing of masks would become a law for the State.

6. This exercise will have to be undertaken compulsorily as we find that the Covid-19 infection is still there and that the people of our State are somehow not getting sensitive to the concept of physical distancing. On the next date fixed, the State may chalk out a plan to see how the concept of physical distancing is implemented in letter and spirit. We would not hesitate in suggesting that incarceration and high fines be thought of. We cannot understand why the Uttar Pradesh Epidemic Disease Covid-19 Regulations, 2020 is not being implemented properly which clearly envisages action under Section 188 of the Indian Penal Code. Also we cannot understand why Section 144 of the Cr.P.C., which we are told is in force, is not being used.

7. Further, the medical team comprising of Dr. Rishi Sahai, Nodal Officer of Covid-19 and Dr. Shitanshu Shukla, Nodal Urban Containment Officer dealing with the Covid-19 infections was also present. They informed us about the various methods by which testing was being done and how the RT-PCR machine which was already installed in the city of Prayagraj and had a testing capacity of 1100 tests per day was being strengthened by an RNA extractor machine because of which the RT-PCR machine's capacity to test would increase by 400 to 500 tests. This machine, they informed, would reach Prayagraj within a week. Further, the Doctors' team present also informed us that 6,000 Rapid Testing Kits had already been received in addition to the 5,000 kits which were received on 25.06.2020 and that a consignment of a further 4,000 kits would be received in a week's time. They also informed us that hospitals namely, Nazareth Hospital, Kamla Nehru Memorial Hospital, Kriti Scanning Centre, Jeevan Jyoti Hospital and a few other hospitals were also considering the installation of a TrueNaat machine which is now a necessary appendix for every hospital for normal treatment of patients. The Doctors present have also informed us that the method of treatment and also the various policies which are in existence, of the Government regarding Plasma treatment would be placed before the Court on the next date fixed. Upon being asked as to whether the Government was making available Corona treatment in private Nursing Homes, the learned AAG informed us that no definite plan had yet been chalked out. By the next date fixed, a definite plan may be chalked out by the State and may be revealed to the Court. Since it has been informed that the level-3 hospital is being looked after by the Moti Lal Nehru Medical College, the Principal of the Medical College by means of an affidavit may give details of the plan of the Plasma treatment and the availability of various medicines with them. The learned Additional Advocate General may also inform us about the policy of the State with regard to the initiation of

home quarantine/isolation and about the facility of treatment which might be extended to patients through various private Nursing Homes.

8. Regarding the bigger testing machine mentioned in our earlier order dated 09.07.2020, it was mentioned by Sri S.P. Singh, learned A.S.G.I. and Sri Purnendu Kumar Singh, learned counsel appearing for the Government of India that the name of machine was COBAS-8800 and it was being provided by a Company called Rosche and that about its installation, the Indian Council of Medical Research had contacted the Head of the Micro-Biology Department of the Moti Lal Nehru Medical College who had informed that to get a proper building and to ensure the observance of the bio safety measures, a minimum time of around 6 to 8 weeks was required. To make the machine actually functional thereafter, a further time of two weeks was required.

9. Today, the Municipal Commissioner Sri Ravi Ranjan and Sri S.D. Kautilya, learned counsel for the Nagar Nigam were also present. They informed us that the encroachments in the city of Prayagraj were definitely becoming a great cause for the spread of the virus and people who were huddling at these places were not observing physical distancing. They informed us, therefore, that they were taking steps to remove the encroachments. In this regard, Sri Kautilya, Learned Counsel forwarded a scheme which the Nagar Nigam had come up with. Learned counsel informed that the removal of encroachments would commence from today i.e. from 13.07.2020 and shall get completed by the 29<sup>th</sup> of August, 2020. The learned Additional Advocate General Sri Manish Goyal and the learned Chief Standing Counsel who were present in the Court assured us that they would give full cooperation and assistance to the Nagar Nigam for the removal of the encroachments as and when the Nagar Nigam asked them for any help.

10. While parting, we expect that the denizens of the State of U.P. become sensitive to the issue of physical distancing. We expect that not only would they maintain physical distancing but would also help the

administration by providing information about persons who come from out of State and were not observing physical distancing and were not quarantining themselves.

11. It may be noted that the helpline numbers are available and people may take recourse to those numbers. These numbers though have been widely publicized. We are again reproducing them hereunder:-

Administration	(i) 9458825340, (ii) 0532-2641577 (iii) 0532-2641578
CMO Office	(iv) 0532-2972230 (v) 7355276814 (vi) 9454455138
Nodal Officer/ DSO	(vii) 9935541911

12. We also expect that the State of U.P. would strengthen the computer system in the administration as also in their own establishments so that maximum work is done through Video Conferencing. For this purpose, not only should BSNL strengthen its network but also the other private companies who are operating should extend their services.

13. Further, on the next turn, the Officers, Doctors and the staff concerned who are responsible for sanitizing the High Court premises would be present.

14. Today, it has been informed that the process of identifying people infected from Influenza like illnesses is well in place and any repetition of the process would be dependent on the further guidelines as might be issued.

15. Further, it may be mentioned here that in the earlier order dated 09.07.2020, it was recorded that for collection of Covid-19 sample of a person, the District Surveillance Officer reaches the patient if the patient is unable to come to the Centre. In fact it has been clarified today by the

Doctors present that the District Surveillance Officer ensures the presence of the patient at the Centre. It is the not the other way round.

16. Further, the learned counsel for the Nagar Nigam informed that used masks were being collected and were being destroyed very systematically. On the next date, the method of disposal would be brought on record by way of an affidavit.

17. Further direction is being issued that outside the High Court and all public buildings throughout the State of U.P., appropriate bins be provided for the disposal of used masks and gloves by their users.

18. Place this petition again on 20.07.2020.

19. When the case is listed next, the name of Sri S.D. Kautilya, Advocate be shown in the cause list as counsel for the Nagar Nigam.

20. The Registrar General may also ensure that the medical and sanitization staff of the High Court is also represented in the Court on the next date.

21. The Registrar General would also forward a copy of this order today itself to the Chief Secretary of the State of U.P, all the other concerned Principal Secretaries and all other teams which are formulating ways and methods to fight the pandemic so that they may come up with a definite plan which may enforce physical distancing.

**Order Date :- 13.7.2020**

Siddhant

(Ajit Kumar,J.)

(Siddhartha Varma,J.)