

**IN THE SUPREME COURT OF INDIA**  
CIVIL ORIGINAL JURISDICTION  
(PUBLIC INTEREST LITIGATION)  
CIVIL WRIT PETITION No.            OF 2020

IN THE MATTER OF:

**Gursimran Singh Narula**

**.....Petitioner**

**Versus**

**Union of India & Ors**

**..... Respondents**

**PAPER- BOOK**

ALONG WITH

**I.A NO.    OF 2020**

FOR PERMISSION TO ARGUE THE CASE AS THE PETITIONER-  
IN-PERSON

**I.A NO.    OF 2020**

FOR EXEMPTION TO FILE DULY NOTARIZED AFFIDAVITS

FOR INDEX KINDLY SEE INSIDE

FILED ON: 04.06.2020

FILED BY:

Gursimran Singh Narula  
(Petitioner-in-Person)

## **SYNOPSIS**

The Coronavirus disease (COVID-19) pandemic is arguably the biggest health crisis the humanity has faced since World War II. From its emergence in a sea-food market in Wuhan, China, late last year, the virus has spread to every continent except Antarctica. Consequently, countries have resorted to unprecedented steps such as country wide lockdowns and social distancing to prevent the spread of this virus. India too announced nation-wide lockdown on 25.03.2020 to curb the spread of COVID-19 in the country. Among other steps it also focused on promoting hygienic awareness in the masses. However, in the guise of preventing COVID-19 many sanitization and disinfection devices have emerged which wrongfully claim to be effective in preventing the spread of this virus. These include disinfection tunnels involving spraying and fumigation of disinfectants and disinfection tunnels exposing human beings to ultra violet rays with a belief of disinfecting them. The World Health Organization (WHO) and many other scientific authorities across the world have warned about their ineffectiveness and dangerous after effects. The petitioner seeks to ban the usage, installation, advertisement, production, and sale of such disinfection tunnels which seeks to spray or fumigate disinfectants on human beings or expose human beings to ultra violet rays with a belief to disinfect them.

It is submitted before this Hon'ble Court that WHO and other health experts across the world have alarmed that unchecked and mis-informed usage of such disinfection tunnels can have serious

physical and psychological consequences on human beings. The petitioner has approached the Ministry of Health and Family Welfare twice regarding this issue seeking binding guidelines and regulation of these tunnels. Consequently, on 18.04.2020 an advisory was issued by the Ministry of Health and Family Welfare which also fell short in checking the unscrupulous use of these tunnels on human beings. Furthermore, press release issued by Pune-based Council of Scientific & Industrial Research-National Chemical Laboratory (CSIR-NCL) and the Mumbai-based Institute of Chemical Technology (ICT) on 23.04.2020 asserted the effectiveness of spraying of disinfectants on human beings expressly casted doubt on scientific value of advisory issued by Health authorities.

As of today, many studies have revealed that spraying of disinfectants on human beings is becoming a common practice across the country with faulty notions of no health impact of the disinfectants. This had led to violation of right to healthy life under Article 21 of the Constitution. Thus, the petitioner through this petition seek an urgent intervention of this Hon'ble Court under Article 32 of the Constitution for the enforcement of rights of under Article 21 of the Constitution.

**LIST OF DATES**

<b>Date</b>	<b>Event</b>
30.01.2020	Novel Coronavirus Disease (COVID-19) declared as a public health emergency by the World Health Organization(WHO).
11.03.2020	COVID-19 declared a pandemic by the WHO.
25.03.2020	Nation-wide lockdown was announced by the Union Government.
29.03.2020	Ministry of Health and Family Welfare, Government of India released guidelines on disinfection of common public places including offices.
09.04.2020	Installation and Usage of disinfection tunnels started across the country with the purpose of disinfecting human beings.
13.04.2020	Directorate of Health and Family Welfare, Punjab issued an order against the hypochlorite

	spray tunnels.
14.04.2020	Disinfection tunnel installed at Hon'ble High Court of Gujrat, Ahmedabad.
16.04.2020	Disinfection tunnel installed at ICAR-Indian Agricultural Research Institute, New Delhi.
17.04.2020	Disinfection tunnel installed at ITBP Headquarters, New Delhi.
17.04.2020	The petitioner approached the Ministry of Health and Family Welfare, Government of India to issue binding guidelines regarding installation and usage of disinfection tunnels.
18.04.2020	Directorate General of Health Services (EMR Division), Ministry of Health & Family Welfare issued an Advisory against spraying of disinfectant on people for COVID-19 management. It stated that spraying of disinfectants was NOT RECOMMENDED since it can lead to irritation of eyes, skin and

	<p>potentially gastrointestinal and psychological problems. IT further stated that it may lead to false sense of disinfection &amp; safety among the people and can actually hamper public observance to hand washing and social distancing measures.</p>
23.04.2020	<p>Pune-based Council of Scientific &amp; Industrial Research-National Chemical Laboratory (CSIR-NCL) and the Mumbai-based Institute of Chemical Technology (ICT) issued a joint press release asserting effectiveness of sodium hypochlorite based mist sanitization system to safeguard frontline healthcare professionals, including paramedic staff, police, and employees providing essential services. It recommended using 0.02% to 0.05% sodium hypochlorite solution (200 to 500 ppm) for external body surface sanitization of personnel walking through the mist tunnel. The press release further stated that advisories issued by</p>

	various agencies against the use of such tunnels lacks scientific basis
24.04.2020	Several disinfectants came in the market claiming to be Organic/Ayurvedic and were self-declared as safe by the promoting companies. In fact the companies started promoting the use of these Organic/Ayurvedic disinfectants in ICU in presence of patients.
27.04.2020	WHO again published on its website in its “Mythbusters” column with new images stating that spraying and introducing bleach or another disinfectant into your body WILL NOT protect you against COVID-19 and can be dangerous.
27.04.2020	WHO also published another graphic in the “Mythbusters” column stating that Ultra-violet (UV) lamps should not be used to disinfect hands or other areas of your skin. It added that it can cause skin irritation and damage to your eyes.

02.05.2020	Karnataka Police installed disinfectant tunnel which sprays Sodium Hypochlorite solution on human beings entering Kalaburagi central prison.
08.05.2020	Shimlapuri police station, Ludhiana, Punjab installs disinfection tunnel at its premises spraying Dettol solution on people visiting the police station.
12.05.2020	Birla Industrial & Technological Museum (BITM), Kolkata installed an Ayurvedic Sanitization Tunnel involving the spray of Camphor, Menthol and Thymol mixed in the ratio of 2:1:1 on staff members and visitors coming to BITM.
12.05.2020	A disinfection tunnel was installed in the premises of Srikalahasteeswara temple, Chittoor, Andhra Pradesh with the purpose of disinfecting the devotees entering the temple.
13.05.2020	A disinfection tunnel was installed at Vishwa



	<p>Vidyapeeth School, Bengaluru, Karnataka involving spraying of organic disinfectants on school teachers and other staff. The inauguration of the tunnel was done by Deputy Commissioner of Police, North East Division, Bengaluru.</p>
14.05.2020	<p>Indian Express published an article titled “Explained: Can ultraviolet light help detect, kill the coronavirus?” The article cited several scientific research papers which states that using UVGI on a mass-scale, in public spaces may not be a good approach for disease prevention.</p>
15.05.2020	<p>IIT-Kanpur developed a three chamber disinfection tunnel to help fight COVID-19 which involves spraying of disinfectant solution on human beings and exposing human beings to UV rays.</p>
21.05.2020	<p>The United States Environmental Protective Agency updated its List N: Disinfectants for Use Against SARS-CoV-2. The list include</p>

	<p>disinfectants having citric acid as an active ingredient. The agency also recommended against the usage of disinfectants on human beings.</p>
21.05.2020	<p>The Straits Times, a leading newspaper from Singapore published an article titled “Coronavirus: Experts caution against use of disinfection tunnels”. The report quotes Dr. Kristen Coleman from Duke-NUS Medical School who states that human disinfection chambers are not the answer as they pose extreme health and safety risks.</p>
21.05.2020	<p>Disinfection tunnel installed at Khalsa College of Pharmacy, Amritsar, Punjab.</p>
23.05.2020	<p>Dr. Rohini Katoch Sepat, Deputy Commissioner of Police, South Division, Bengaluru, Karnataka inaugurated a disinfection tunnel in the Bengaluru City.</p>
25.05.2020	<p>A bio-organic disinfection tunnel installed at Kempegowda International Airport, Bengaluru.</p>
25.05.2020	<p>Disinfection tunnels began to be used in the</p>

	<p>movie industry. Actor Akshay Kumar was shown passing through a disinfection tunnel before beginning the movie shoot.</p>
26.05.2020	<p>Mr. Sanjay Mehra, President of Khan Market Trader's Association, New Delhi in a news interview reveals that they have installed a disinfection tunnel for the customers entering the market.</p>
28.05.2020	<p>IIT-Guwahati developed a disinfection tunnel involving spray of disinfectants on human beings.</p>
29.05.2020	<p>An article written by Senior Vice President of the Havells India Limited titled "UV light as one of the weapons against coronavirus" in the Indian Express which also notes that exposure to disinfection lamp can lead to eye damage. It further adds that UV-C penetrates the upper layers of the skin and eye and can only cause mild, transitory sunburn.</p>

30.05.2020	The petitioner again approached the Ministry of Health and Family Welfare seeking guidelines on effectiveness/ineffectiveness of the spraying and fumigation of 'organic disinfectants'.
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CIVIL ORIGINAL JURISDICTION  
(PUBLIC INTEREST LITIGATION)  
CIVIL WRIT PETITION No.            OF 2020

IN THE MATTER OF:

GURSIMRAN SINGH NARULA

..... PETITIONER

Versus

UNION OF INDIA

Represented by the Secretary,  
Ministry of Health and Family Welfare,  
Nirman Bhawan, Near Udyog Bhawan,

Metro Station, Maulana Azad Rd,            .....RESPONDENT NO. 1  
New Delhi – 110011

UNION OF INDIA

Represented by the Secretary,  
Ministry of Science and Technology,  
Technology Bhawan, New Mehrauli Rd, .....RESPONDENT NO. 2  
New Delhi – 110011

UNION OF INDIA

Represented by the Secretary,  
Ministry of Agriculture and Farmers Welfare,  
Rajendra Prasad Road, .....RESPONDENT NO. 3

New Delhi – 110011

STATE OF KARNATAKA

Represented by the Chief Secretary,  
M S Building, Ambedkar Veedhi, .....RESPONDENT NO. 4  
Bengaluru, Karnataka – 560001

STATE OF PUNJAB

Represented by the Chief Secretary,  
Punjab Civil Secretariat-1  
Sector-1, Chandigarh –160001 .....RESPONDENT NO. 5

GOVT. NCT OF DELHI

Represented by the Chief Secretary,  
Delhi Secretariat  
New Delhi –110011 .....RESPONDENT NO. 6

**PETITION UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA.**

**To**

**Hon'ble the Chief Justice of India and His Lordship's Companion Justice of the Supreme Court of India. The Humble petition of the Petitioner abovenamed.**

**MOST RESPECTFULLY SHEWETH:**

1. The present Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioners for the enforcement of rights under Article 21 of the people residing inside the territory of India. The Petitioner through this Writ Petition seeks directions to the Union and the State Governments and Union Territories to forthwith ban the fumigation and spraying of all kinds of disinfectants on human beings. The Petitioner also seeks that the Union and the State Governments and Union Territories shall ban the usage, advertisement, production, sale, installation and disinfection tunnels designed for spraying of any kind of disinfectant on human beings. Further, the petitioner seeks that the Union and the State Governments and the Union Territories shall ban the production, sale, installation and usage of disinfection tunnels designed for exposing human beings to UV rays with a belief to disinfect them.

- 2.** The Petitioner is a citizen of India and final year student of C.B(Hons) at Rajiv Gandhi School of Intellectual Property Law, IIT Kharagpur. The email address of the Petitioner is and the mobile number of the Petitioner is. A true copy of the PAN CARD of the Petitioner bearing is attached herewith as Annex
- 3.** That the Petitioner has no personal gains, private motive or oblique reason in filing the present Petition. The petition is filed for common cause and the benefits of the society at large.
- 4.** That the Petitioner states that no civil, criminal or revenue litigation involving the Petitioner, which has or could have a legal nexus with the issues involved in the Petition is pending in any court of law in India.
- 5.** The Respondent No. 1 is the Union of India, represented by the Ministry of Health and Family Welfare, which is the appropriate ministry dealing with the subject of health.
- 6.** The Respondent No. 2 is the Union of India, represented by the Ministry of Science and Technology, which is the appropriate ministry dealing with scientific research in India.
- 7.** The Respondent No. 3 is the Union of India, represented by the Ministry of Agriculture and Farmers Welfare, which is the appropriate ministry dealing with the subject of disinfectants and pesticides.
- 8.** The Respondent No. 4 is the State of Karnataka, represented by the Health and Family Welfare Department which is the appropriate department dealing with the subject of health in the State of Karnataka.



9. The Respondent No. 5 is the State of Punjab, represented by Department of Health and Family Welfare which is the appropriate department dealing with the subject of health in the State of Punjab.

### **FACTS OF THE CASE**

10. The brief facts that give rise to the present Writ Petition are as follows:

11. Novel Coronavirus Diseases-2019 (hereinafter referred as “COVID-19”) was declared as a pandemic by the World Health Organization (hereinafter referred as “WHO”) on 30.01.2020.

12. Upon which, various governments across the world resorted to unprecedented steps such as lockdowns to curb the spread of COVID-19 pandemic. The Government of India also imposed lockdown measures in different phases in an effort to contain the spread of COVID-19 pandemic in India.

13. In the wake of COVID-19 pandemic, Ministry of Health and Family Welfare, Government of India also issued several advisories relating to health and well-being of people at large. On 29.03.2020 the Ministry of Health and Family Welfare, Government of India released guidelines on disinfection of common public places including offices through which people were advised to apply different disinfectants on various surfaces to curb the spread of COVID-19 pandemic. The guidelines are annexed herewith and marked as **Annexure – P-1 at Page 21-26.**

- 14.** While the guidelines advised people for applying disinfectants only on surfaces, these were misconstrued and disinfectants began to be used on human beings. Even the Press Information Bureau, Government of India through its publication on 09.04.2020 endorsed the spraying of disinfectants through disinfection/sanitization tunnels on human beings. The said publication is annexed herewith and marked as **Annexure – P-2 at Page 27-32.**
- 15.** On 13.04.2020, Directorate of Health and Family Welfare, Punjab vide order IDSP/PB/2020/254891 recommended that disinfection tunnels spraying hypochlorite solutions should not be installed and used. It cited an advisory from WHO which states that spraying disinfectants like alcohol or chlorine all over the body does not kill the virus rather can be harmful for clothes or mucous membranes. The said order is annexed herewith and marked as **Annexure-P-3 at Page 33.**
- 16.** Thereafter, many newspapers reported that disinfection tunnels were being used at various public places being promoted by different public and private organizations with a belief to disinfect people. Such tunnels were installed and used across India including some prominent places such as Hon'ble High Court of Gujrat, Indian Agricultural Research Institute, New Delhi and Headquarters of Indo Tibetan Border Police, New Delhi. The true copy of the said publications are annexed herewith and marked as **Annexure– P-4 at Page 34-41.**
- 17.** On 17.04.2020, the petitioner approached the Ministry of Health and Family Welfare through a letter attached with an email seeking clear and binding guidelines regarding

effectiveness/ ineffectiveness of Disinfection tunnels using various disinfectants especially sodium hypochlorite on human beings. The said letter and the email is annexed herewith and marked as **Annexure-P-5 at Page 42-44.**

**18.** On 18.04.2020, the Directorate General of Health Services (EMR Division), Ministry of Health & Family Welfare responding to the queries raised regarding the efficacy (if any) of use of disinfectants such as Sodium hypochlorite spray over individuals issued an advisory against spraying of disinfectant on people for COVID-19 management. The advisory defined Disinfectants as chemicals that destroy disease causing pathogens or other harmful microorganisms. It refers to substances applied on inanimate objects owing to their strong chemical properties. It even stated that spraying of individuals or groups is NOT recommended under any circumstances and it can lead to irritation of eyes, skin and potentially gastrointestinal and psychological problems. It further added that such measures may in fact lead to false sense of disinfection & safety and actually hamper public observance to hand washing and social distancing measures. The said advisory is annexed herewith and marked as **Annexure-P-6 at Page 45.**

**19.** However, on 23.04.2020, Pune-based Council of Scientific & Industrial Research-National Chemical Laboratory (CSIR-NCL) and the Mumbai-based Institute of Chemical Technology (ICT) issued a joint press release asserting effectiveness of sodium hypochlorite based mist sanitization system to safeguard frontline healthcare professionals, including paramedic staff,

police, and employees providing essential services. It even recommended using 0.02% to 0.05% sodium hypochlorite solution (200 to 500 ppm) for external body surface sanitization of personnel walking through the mist tunnel. The press release further stated that advisories issued by various agencies against the use of such tunnels lack scientific basis. The said press release is annexed herewith and marked as **Annexure-P-7 at Page 46-50.**

**20.** Lately, several companies have also come up with so-called organic disinfectants and Ayurvedic disinfectants. The companies are promoting these disinfectants as effective against COVID-19 prevention and safe for the purposes of spraying and fumigation purposes. One such disinfectant is “Citrobioshield”, the promoters of this disinfectant even promote the fumigation of the disinfectant in hospital ICU’s in presence of patients. The company has even uploaded a video fumigating the said disinfectant in ICU of a hospital without shifting the patients. The true copy of the video screenshots and the brochure of the product is annexed herewith and marked as **Annexure-P-8 at Page 51-52.**

**21.** The Ministry of Health and Family Welfare, Government of India has not approved the use of any self-claimed Organic and Ayurvedic disinfectant for spraying or fumigation purposes. Neither, the Ministry of Health and Family Welfare, Government of India has made any distinction between chemical and organic/ayurvedic disinfectants in its advisory against the spray of disinfectants on human beings.

- 22.** WHO through its “Mythbusters” column on its website and its social media platforms has clearly stated that Spraying and introducing bleach or another disinfectant into your body WILL NOT protect you against COVID-19 and can be dangerous. Further, it states that these substances can be poisonous if ingested and cause irritation and damage to your skin and eyes. The true copy of the said publication is annexed herewith and marked as **Annexure-P-9 at Page 53-54.**
- 23.** Furthermore, WHO through its “Mythbusters” column on its website and its social media platforms also stated that Ultra-violet (UV) lamps should not be used to disinfect hands or other areas of your skin. Further, it states that it can cause skin irritation and damage your eyes. The true copy said publication is annexed herewith and marked as **Annexure-P-9 at Page 55-56.**
- 24.** On 02.05.2020, it was reported by a prominent newspaper that Karnataka Police installed disinfectant tunnel spraying Sodium Hypochlorite solution on visitors and staff members at central prison in Kalaburagi, Karnataka. The true copy of said publication is annexed herewith and marked as **Annexure-P-10 at Page 57-58.**
- 25.** On 08.05.2020, it was reported by a prominent newspaper that Shimlapuri, Police Station, Ludhiana, Punjab started using a disinfection tunnel spraying Dettol mixture. The true copy of said news publication is annexed herewith and marked as **Annexure-P-11 at Page 59.**
- 26.** On 12.05.2020, it was reported by a prominent news agency that Birla Industrial & Technological Museum (BITM), Kolkata,

West Bengal installed an Ayurvedic Sanitization Tunnel spraying mixture of Camphor, Menthol and Thymol in the ratio 2:1:1 claiming it to be an effective way to curb COVID-19 spread. The true copy of said publication is annexed herewith and marked as **Annexure-P-12 at Page 60.**

**27.** On 12.05.2020, it was reported that Srikalahsteeswara temple in Srikalahasti town of Chittoor district, Andhra Pradesh also installed a disinfection tunnel to ensure that devotees are disinfected before entering the temple. The true copy of the said publication is annexed as **Annexure-P-13 at Page 61.**

**28.** On 13.05.2020, Dr. Bheemashankar S Guled, Deputy Commissioner of Police, North East Division, Bengaluru, Karnataka inaugurated a Organic Disinfection tunnel at a School in Bengaluru for disinfection of teachers and staff members. The true copy of the twitter post of the IPS officer is annexed herewith and marked as **Annexure-P-14 at Page 62.**

**29.** On 14.05.2020, The Indian Express in an article titled “Explained: Can ultraviolet light help detect, kill the coronavirus?” citing several research papers states that using UVGI on a mass-scale, in public spaces such as schools, universities, restaurants and cinema halls may not be the most cost-effective way to approach disease prevention. The true copy of said publication is annexed herewith and marked as **Annexure-P-15 at Page 63-66.**

**30.** On 15.05.2020, Indian Institute of Kanpur and Artificial Limbs Manufacturing Corporation of India (ALIMCO) jointly developed an advanced disinfectant tunnel with three

chambers with an aim to sanitize human beings. In the first chamber a disinfectant is sprayed on the person entering the disinfectant tunnel, in the second chamber the person is exposed to a temperature of 70°C and far UVC rays(207-222 nm). The true copy of the details of the disinfection tunnel are annexed herewith and marked as **Annexure-P-16 at Page 67.**

**31.** Notably, these self-claimed Organic/Ayurvedic disinfectants use citric acid as an active ingredient. The United States Environmental Protection Agency in its List N: Disinfectants for Use Against SARS-CoV-2 has registered products with active ingredients as citric acid under the category of pesticides and recommended against usage of such products on human beings. The recommendation of United States Environmental Protection Agency and products with active ingredient as citric acid in List N: Disinfectants for Use Against SARS-CoV-2 is annexed herewith and marked as **Annexure-P-17 at Page 68-72.**

**32.** On 21.05.2020, The Straits Times, a leading newspaper from Singapore published an article titled, "*Coronavirus: Experts caution against use of disinfection tunnels*" noted that experts have warned that these tunnels not only do not help curb the spread of the virus, but could harm the people using them. Quoting Dr. Kristen Coleman of Duke-NUS Medical School it was published that "*human disinfection chambers are not the answer as they pose extreme health and safety risks*". It further adds that WHO has warned people not to use UV light- including the two other types of UV light from the sun, UVA and UVB- to sterilize their hands or any other skin surface.

Lastly, it notes that Any type of UV light is capable of damaging cells and genetic material. The true copy of publication has been annexed herewith and marked as **Annexure-P-18 at 73-76.**

**33.** On 21.05.2020, It was reported that a disinfection tunnel was installed at Khalsa College of Pharmacy, Amritsar, Punjab to prevent COVID-19 pandemic. The true copy of said publication is annexed herewith and marked as **Annexure-P-19 at Page 77.**

**34.** On 23.05.2020, Dr. Rohini Katoch Sepat, IPS, Deputy Commissioner of Police, South Division, Bengaluru, Karnataka inaugurated a Disinfection tunnel in the Bengaluru City. The true copy of the twitter post of the IPS officer is annexed herewith and marked as **Annexure-P-20 at Page 78.**

**35.** It has been reported by various newspapers, tv channels and web channels that there is an increasing trend towards installing such disinfection tunnels throughout the country. The true copy of the news reports showing usage and installation of disinfection tunnels at airports, temples and movie shoots are annexed herewith and marked as **Annexure-P-21 at Page 79-81**

**36.** On 26.05.2020, in an interview to the Quint, Mr. Sanjeev Mehra, President of Khan Market Traders' Association reveals that "From the entry gate of Bahrisons they (customers) would cross a tunnel, sanitise themselves, meet the nursing staff, get themselves scanned for the temperature, sanitise their hands and wear the mandatory mask." The images of the interview



are annexed herewith and marked as **Annexure-P-22 at Page 82.**

**37.** On 28.05.2020, It was reported that a disinfection tunnel involving spraying of disinfectant on human beings was also developed by Indian Institute Technology-Guwahati. The said publication is annexed herewith and marked as **Annexure-P-23 at Page 83-85.**

**38.** On 29.05.2020, The Indian Express in an article titled “UV light as one of the weapons against coronavirus” written by Mr. Prag Bhatnagar, Senior Vice President, Havells India Limited notes that Ultraviolet lights have shown great promise in providing effective disinfection of surfaces but exposure to disinfection lamp can lead to eye damage. He observes further UV-C penetrates the upper layers of the skin and eye and can only cause mild, transitory sunburn. He suggests that as a precautionary measure it is important to not enter the disinfected area after 30-40 minutes of operation of the UV lamp. The true copy of said publication is annexed herewith and marked as **Annexure-P-24 at Page 86-90.**

**39.** On 30.05.2020, the petitioner again approached the Ministry of Health and Family Welfare seeking guidelines on effectiveness/ineffectiveness of the spraying and fumigation of so-called ‘organic disinfectants’ on human beings to combat COVID-19. However, the Ministry did not respond and neither issued any advisory in the public domain. The true copy of said communication to the ministry is annexed herewith and marked as **Annexure-P-25 at Page 91-93.**

- 40.** WHO in its publication titled “Health and Environmental Effects of Ultraviolet Radiation- A Scientific Summary of Environmental Health Criteria 160, Ultraviolet Radiation ((WHO/EHG/95.16))” also notes that acute effects of UV rays on the eyes consist of the development of photokeratitis and photoconjunctivitis. It further notes that it can also lead to acute effects on the skin such as mild erythema, which, if severe, may result in blistering and destruction of the surfaces of the skin with secondary infection and systemic effects, similar to those resulting from a first or second degree heat burn. The said publication is annexed herewith and marked as **Annexure–P-26 at Page 94-102.**
- 41.** A publication by Environmental Health & Safety Office, Radiation Safety Division, University of California, Irvine titled “ULTRAVIOLET LAMP SAFETY FACTSHEET” states that UV-A radiation can lead to tanning, burning of skin and formation of cataracts. It also notes that UV-B radiation may cause skin tanning, photokeratitis, photoconjunctivitis, and cataracts. Lastly, UV-C, which is also called “germicidal UV” can cause photokeratitis and photoconjunctivitis. The true copy of said publication is annexed herewith and marked as **Annexure–P-27 at Page 103-107.**
- 42.** In light of the aforesaid facts, the following questions of law have arisen:
- I.** Whether spraying or fumigation of any kind of chemical disinfectants on human beings without the approval of the relevant ministry is violative of Article 21?

- II.** Whether spraying or fumigation of any kind of self-claimed organic disinfectant on human beings without the approval of the relevant ministry is violative of Article 21?
- III.** Whether exposure of human beings to artificial ultraviolet rays is violative of Article 21?

**43. GROUNDS**

- A.** BECAUSE, it is respectfully submitted that the use of disinfectant tunnels involving spraying or fumigation of any kind of disinfectant on human beings is violative of Article 21 of the Constitution.
- B.** BECAUSE, it is respectfully submitted that the use of disinfectant tunnels exposing human beings to ultraviolet rays with a belief to disinfect them is an unscientific means to prevent COVID-19. Further, it instil false sense of security and dissuades people from following recommended sanitization means such as washing hands for at least twenty seconds. Thereby compromising human health and human dignity and violative of Article 21 of the Constitution.
- C.** BECAUSE, This Hon'ble Court in *Devika Biswas v. Union of India and Others (2016) 10 SCC 726*, has held that right to health is an integral facet of right to meaningful and dignified life under Article 21 of the Constitution. It is respectfully submitted that the spraying and fumigation of all kinds of disinfectants (i.e., chemical and organic) on human beings and exposing human beings to harmful ultraviolet rays in absence of approval from the Ministry of

Health and Family Welfare is physically and psychologically harmful to humans.

- D.** BECAUSE, the advisory issued by Directorate General of Health Services (EMR Division), Ministry of Health & Family Welfare against the spraying of disinfectants on people for COVID-19 management is non-binding and has proved to be ineffective. The said advisory has even been misconstrued by senior IPS officers who are still promoting the use of disinfectant tunnels in schools and other public places.
- E.** BECAUSE, CSIR-NCL has called the advisory issued by Directorate General of Health Services (EMR Division), Ministry of Health & Family Welfare against the spraying of disinfectants on people for COVID-19 management as unscientific thereby contributed in promotion of the use of disinfectant tunnels with a belief to disinfect human beings.
- F.** BECAUSE, the press release of CSIR-NCL has contributed to the spread of mis-information in public and promoted unscrupulous use of self-claimed organic disinfectants such as Citrobioshield on human beings.
- G.** BECAUSE, this Hon'ble Court in *Navtej Singh Johar & Ors v. Union of India (2018) 10 SCC 1*, through Hon'ble Justice D.Y. Chandrachud while referring to the Preamble to the Constitution of the World Health Organization observed: *"The right to health is not simply the right not to be unwell, but rather the right to be well. It encompasses not just the absence of disease or infirmity, but "complete physical,*

*mental and social well-being, and includes both freedoms such as the right to control one's health and body and to be free from interference (for instance, from non-consensual medical treatment and experimentation), and entitlements such as the right to a system of healthcare that gives everyone an equal opportunity to enjoy the highest attainable level of health".* It is respectfully submitted that spraying or fumigation of disinfectants or exposing human belief to harmful ultraviolet rays with a belief of disinfecting them is a form of non-consensual medical experimentation.

- H.** BECAUSE, This Hon'ble Court in *Consumer Education & Research Centre and Others v. Union of India and Others* (1995) 3 SCC 42, has noted that the right to health must also be considered an aspect of social justice informed by not only Article 21 of the Constitution, but also the Directive Principles of State Policy and international covenants to which India is a party.
- I.** BECAUSE, Article 47 in Part IV of the Constitution provides: *"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavor to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health."*
- J.** BECAUSE, This Hon'ble Court in *Vincent Panikulangara v. Union of India and Others* (1987) 2 SCC 165, while dealing

with the issue of maintenance of approved standards of drugs in and banning of injurious and harmful drugs has held that *“Every indigenous drug manufacturer must have an obligation by law to disclose the formula of preparation and other statutory information in the national language and at least one or two other languages, keeping in view the place of manufacture of the drug and the area of its circulation. Any statutory warning to be administered should also follow the same course. We would like to indicate that it is for the Government on the basis of expert advice to decide whether use of poisonous medicine may not be reduced; after all administering the warning is not a sufficient excuse to circulate poison by way of medicine. We hope and trust that the Union of India would come forward with a declaration of its drug policy at a very early date.”* It is respectfully submitted that, contrary to the guidelines of this Hon’ble Court the use of disinfection tunnels promotes exposure of poisonous disinfectants to human skin and eyes.

- 44.** The Petitioners crave liberty to raise additional grounds during the course of arguments.
- 45.** The Petitioners have filed this Petition seeking ban on the usage, advertisement, production, sale, installation and disinfection tunnels designed spraying or fumigation of disinfectants on humans or exposing human beings to harmful ultraviolet rays for the enforcement of rights under Article 21 of the Constitution.

- 46.** The Petitioners have no alternate efficacious remedy but to approach this Hon'ble Court under Article 32 of the Constitution of India for the reliefs prayed for herein.
- 47.** The Petitioners have not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.
- 48.** The Petitioners have for the first time filed this Petition in respect of the subject-matter, i.e., banning of usage, advertisement, production, sale, installation and disinfection tunnels designed spraying or fumigation of disinfectants on humans or exposing human beings to ultraviolet rays with a belief of disinfecting them which is violative of Article 21 of the Constitution.
- 49.** That this Hon'ble Court has the jurisdiction to entertain and try this Petition.
- 50.** That it is humbly submitted the present issue is a fit case to be entertained as a public interest litigation as the persons directly affected by use of disinfectant tunnels includes all the people residing in the territory of India.
- 51.** That the Petitioner crave leave to alter, amend or add to this Petition.
- 52.** That the Petitioner seeks leave to rely on documents, annexed to this Petition.
- 53.** That this Petition has been made bona fide and in the interest of justice.

### **PRAYER**

The Petitioner pray that this Hon'ble Court may be pleased to:

- i. Issue a writ in the nature of Mandamus or any other appropriate writ, direction or order a forthwith ban on the usage, installation, production, advertisement of disinfection tunnels involving spraying or fumigation of chemical disinfectants for the purposes disinfecting human beings and/or
- ii. Issue a writ in the nature of Mandamus or any other appropriate writ, direction or order a forthwith ban on the usage, installation, production, advertisement of disinfection tunnels involving spraying or fumigation of organic disinfectants for the purposes disinfecting human beings and/or
- iii. Issue a writ in the nature of Mandamus or any other appropriate writ, direction or order a forthwith ban on the usage, installation, production, advertisement of disinfection tunnels exposing human beings to ultraviolet rays for the purposes disinfecting them and/or
- iv. To pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND, EVER PRAY

FILED BY



FILED ON: 04.06.2020

GURSIMRAN SINGH NARULA  
PETITIONER-IN-PERSON



S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 560/2020

GURSIMRAN SINGH NARULA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR IA No.54166/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.54167/2020-PERMISSION TO APPEAR AND ARGUE IN PERSON )

Date : 10-08-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE R. SUBHASH REDDY  
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Petitioner-in-person

For Respondent(s) Mr. Tushar Mehta, SG  
Mr. Gurmeet Singh Makker, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Apoorv Kurup, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Issue notice to respondent Nos. 1 to 3. Notice is not being issued to respondent Nos. 4 to 6 as on date.

Learned counsel for the petitioner may serve a copy of the petition in the office of the learned Solicitor General, who may obtain instructions.

List the matter after two weeks.

(MEENAKSHI KOHLI)  
AR-CUM-PS

(RENU KAPOOR)  
COURT MASTER