

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, Jitendra Kumar, 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.

Ref. Civil Misc. Time Extension Application No.

NIL of 2020

This application has been filed by the Chief Secretary of the State praying for an extension of time granted to him to comply with the order dated 25.08.2020.

Time prayed for is granted.

We hope and trust that valuable steps would be taken by the next date fixed and a complete road map would be there by which public movement could be minimized. We expect stricter time schedules for shops would be there and also every effort would be made to minimize conglomeration of people in public places and in public vehicles. Here it may be

mentioned that even though timings of various commercial activities may be substantially reduced but medical shops and dispensaries might be an exception.

Ref:- Civil Misc. Intervenor Application No. 9 of 2020

This application has been filed by Sri Shailendra Garg, Advocate, in person, with a prayer that the guidelines dated 1.8.2020, which deal with the issue of spitting around the city after chewing Pan, Gutkha and Khaini, may be properly enforced.

The learned Additional Advocate General to inform on the next date fixed as to how the State Government has implemented the directions contained in paragraphs 11 and 12 of the guidelines dated 1.8.2020.

On the next date of listing, the name of Sri Shailendra Garg shall be shown in the cause list as counsel for the applicant.

Ref:- Civil Misc. Intervenor application No. 20 of 2020

The grievance raised in this application is that the cattle fair being organized in Firozabad was amounting to violation of the guidelines for social

distancing and wearing of masks.

The learned Additional Advocate General to apprise the Court on the next date as to why these markets were continuing despite the COVID-19 guidelines.

Ref:- Civil Misc. Intervenor Application No. 31 of 2020

This application has been filed on behalf of Sri Prason Tomar with a prayer that such M.B.B.S. doctors who are now doing their final year of Master Degree, their services may be utilized as Senior Residents at level-3 hospitals. It has been averred that as per the Government Order dated 12.6.2020 they were appointed as Senior Residents but subsequently by order dated 25.8.2020 those appointments were undone. It is the contention of the learned counsel appearing for the applicant that at this time of the pandemic when doctors were required and students of final year of M.B.B.S. were ready to serve the level -3 hospitals then the releasing of these doctors who were appointed as per the order dated 12.6.2020 on 25.8.2020 was against the spirit of the time when doctors were actually required in level-3 hospitals.

Learned Additional Advocate General, Sri

Manish Goyal, to look into this application by the next date fixed.

Ref:- Civil Misc. Intervenor Application No. Nil of 2020

This application has been filed on behalf of Sri Radhey Shyam Dixit. It may be kept on record.

The record reveals that the District Magistrate has ordered an enquiry with regard to the grievance of Sri Radhey Shayam Dixit.

The enquiry report may be placed before the Court on the next date fixed and also by the next date Sri Radhey Shyam Dixit may approach the nearest sample collection centre from his residence and get his RT-PCR test done.

This application to be given a regular number.

Ref. Civil Misc. Intervention Application No.Nil of 2020

By means of this application, the applicant has prayed that private hospitals may also be involved for the treatment of Level-3 COVID patients since Government Hospitals were not coping well in the present times.

Keep this application on file. By the next date fixed, the learned counsel to bring on record material

on the basis of which the applicant is stating that the Swaroop Rani Nehru Hospital and other Government hospitals in the State were not performing well. Also members of the applicant to inform if they had offered their services to help the present level-3 hospitals.

Order on Letter Petition

A Letter Petition dated 28.8.2020 has been placed before us in which the applicant, Sri Sunil Choudhary, has ventilated his grievance and has brought to our notice that the dead body of a person who had died of COVID-19 virus was not being handed over to his relatives because the hospital was demanding Rs. 14.50 Lacs even though they had already paid Rs. 11 lacs to the hospital.

The District Magistrate, Kanpur Nagar, may get an enquiry done into the matter and place the report before us on the next date fixed.

The Registrar General is directed to provide this order to the District Magistrate, Kanpur Nagar, alongwith a copy of the Letter Petition. The Registry is directed to provide a regular number to this Letter Petition.

Sri Ram Kaushik, Advocate, has filed a

rejoinder affidavit in reply to the counter affidavit which was submitted in the Contempt Petition filed by the applicant. The photographs definitely show that, prima facie, no orders of this Court for maintaining social distancing and for enforcing people to wear masks were being implemented. The applicant has attached these photographs very bonafidely and, therefore, it would be in the interest of justice that by the next date fixed, the State may look into these photographs and take action.

Put up this rejoinder affidavit alongwith the Contempt Application on the next date fixed.

Vakalatnama filed by Sri A.P. Paul on behalf of Prayagraj Development Authority (P.D.A.) be kept on record. It has been stated that the P.D.A. was providing all possible help to the Advocate Commissioners who were going around the City to see as to whether encroachments were removed.

Further, when the learned counsel for the P.D.A. was asked as to why stray cattle and stray dogs were not being removed from the city then he submitted that it was the responsibility of Nagar Nigam to free the city of stray cattle and stray dogs. However, as the Nagar Nigam came up with an answer which was not very convincing, we are directing the Nagar

Nigam to take all possible action to remove all stray cattle and stray dogs from the city. Stray cattle which are a great cause for accident and stray dogs which are on many an occasion rabid are of a great concern to the city. In this time of pandemic when people are worried about their safety stray cattle and stray dogs must compulsorily be removed to avoid any nuisance.

Further upon a question being put to Sri S.D. Kautilya, Advocate who appeared for the Nagar Nigam, as to how the Nagar Nigam could help in enforcing COVID-19 regulations i.e. wearing of masks and social distancing norms, he suggested that apart from whatever work the police was doing, it would be in the fitness of things that following measures be also taken:-

- (i) The Corporators in the 80 wards in the Municipal Limits of the district of Prayagraj may be directed to individually see that all residents of their wards follow the Covid-19 guidelines and for this purpose, he suggested that Corporators may keep a round the clock vigil and may request residents in his/her ward to follow the Covid-19 guidelines. If residents of any particular ward were being recalcitrant

then the corporators may take help of the local police.

(ii) In the Court was also present today Sri Pradeep Kumar Jaiswar, Advocate, who is a volunteer in the Civil Defence in the city of Prayagraj. He submitted that there were around 1600 volunteers in the district of Prayagraj who were ready to give their services. Still further, Sri S.D. Kautilya, Sri A.P. Paul, Sri P.K. Jaiswar, Sri Ram Kaushik, Ms. Rishu Mishra and Sri S.P.S. Chauhan, learned counsel who were present in the Court today suggested that students who were enrolled in the National Cadet Corps and Bharat Scout and such other individuals who were willing and ready to give their services may also be involved by the various Corporators in the various wards. They also suggested that before any volunteer was asked to help the Corporators to enforce Covid-19 guidelines, the consent of that volunteer should be complusorily taken and only thereafter training should also be given to the Volunteer.

The District Magistrate, Prayagraj may, therefore, look into the feasibility of involving the

Corporators and the various other organizations who might be ready to render their services in enforcing of the COVID-19 guidelines. It may be mentioned that the involvement of voluntary organizations would be in addition to the work the District Administration was already doing. On the next date fixed i.e. on 31.8.2020, the District Magistrate may produce before the Court the manner in which he would direct the Corporators in actively seeing that people wear masks and maintain social distancing. On the next date, we would also see to the viability of implementing this *modus operandi* of including the Corporators in other cities as well.

Put up this Public Interest Litigation on 31.08.2020 at 02:00 PM.

Guidelines, 2010, with regard to ICU planning and designing in India provided by Sri Sashi Prakash Singh, learned Additional Solicitor General of India, be kept on record.

Let the Registrar General communicate this order to all the concerned Authorities forthwith.

Order Date :- 28.8.2020

PK

(Ajit Kumar,J.).... (Siddhartha Varma,J.)