

Court No. - 68

(1) **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,Abhinav Gaur,Aditya Singh Parihar,Amitanshu Gour,Arvind Kumar Goswami,Bhagwan Dutt Pandey,Ishir Sripat,Jitendra Kumar,Katyayini,Rahul Sahai,Rishu Mishra,S.P.S. Chauhan,Satyaveer Singh,Shailendra Garg,Sunita Sharma,Suo Moto,Sushil Kumar Mishra,Swetashwa Agarwal,Uttar Kumar Goswami,Vibhu Rai

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

With

(2) **Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 1289 of 2019

Petitioner :- In Re Parking Problem In Civil Lines Prayagraj And Other Places

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Suo Motu,Anurag Khanna (Senior Adv.),Apul Misra,B.S. Pandey,Nipun Singh,Rahul Sahai,S.F.A. Naqvi,Apul Mishra

Counsel for Respondent :- C.S.C.,Suresh C. Dwivedi

Hon'ble Siddhartha Varma,J.

Hon'ble Ajit Kumar,J.

Affidavits filed today by the Police Departments of the districts of Meerut, Ghaziabad, Gautambudh Nagar and Lucknow, be kept on record.

In the affidavits, the names of the police personnel who had been deployed, were given. However, the members of the Bar who were present in the Court, had expressed their anguish that the police who had been deployed, were not vigilant enough during patrolling.

The heads of the Police Departments of each of the districts are directed to see that their cops are more vigilant.

In compliance of our last order, learned Additional Solicitor General of India Sri S.P. Singh has placed the instructions obtained from the Drugs Controller General of India. Instructions are taken on record.

The instructions *qua* status of different vaccines reads as under:-

“Status of COVID-19 Vaccines Clinical Trials And Marketing Authorization Applications

The Covid-19 vaccine are under clinical trial stage and when data of safety/immunogenicity is found suitable, it will be examined by Subject Expert Committee (SEC) and based on evaluation the case of approval will be decided, with conditions for restricted use in emergency situation of COVID-19 pandemic. In view of the above dynamic situation with respect to Covid-19 vaccine clinical trial, the precise date and time cannot be given at this stage. These applicants i.e. (1) M/s Serum Institute of India Pvt. Ltd. (2) M/s Bharat Biotech International Ltd. and (2) Pfizer India Ltd. have applied for Emergency Use Approval. There cases were evaluated and M/s Serum Institute of India Pvt. Ltd. and M/s Bharat Biotech International Ltd. were asked to submit further immunogenicity and safety data. Pfizer didn't turn up and requested for further time. The minutes of Subject Expert Committee (SEC) are available in the CDSCO web site.

Recommendations of the SEC meeting to examine COVID-19 related proposal and accelerated approval process made in its 130th Meeting held on 09.12.2020 at CDSCO, HQ, New Delhi:

Agenda No.	File Name & Drug Name, Strength	Firm Name	Recommendations
Biological Division			
1.	BIO/CT/ 20/000182	Ms. Gennova Biopharmaceut	The firm presented their proposal for grant of

	mRNA vaccine (Phase I/II)	icals Limited, Pune	permission to conduct Phase I/II clinical trial along with animal toxicity study data before the committee. After detailed deliberations, the committee recommended for grant of permission to conduct Phase I/II clinical trial subject to the condition that the interim results of Phase I study shall be submitted to the committee before proceeding to the next phase.
2.	BIO/MA/ 20/000102 ChAdOxl nCoV-19 Corona Virus Vaccine (Recombinant) (EUA)	M/s. Serum Institute of India Pvt. Ltd. Pune	The firm presented their proposal for grant of Emergency Use Authorization (EUA) of ChAdOxl nCoV-19 vaccine (COVISHIELD) along with the interim safety data from Phase II/III clinical trial carried out in the country and the interim safety and efficacy results of Phase II/III and Phase III clinical trials carried out in UK, other countries & India before the committee. The committee noted that as per the condition of the permission to conduct phase II/III clinical trial in the country, the clinical data generated in the trial shall be considered along with the data from the OXFORD clinical trial outcome. Further, the firm stated that the proposal for grant emergency use authorization is currently

			<p>under evaluation with MHRA. It is also noted that the Phase II/III clinical trial is still ongoing in the country.</p> <p>Further, the firm has submitted the safety data till 14.11.2020 only.</p> <p>After detailed deliberation, the committee recommended that the firm should submit the following data/information for further review:</p> <ol style="list-style-type: none"> 1. Updated safety data of the Phase II/III clinical trial in the country. 2. Immunogenicity data from the clinical trial in UK and India. 3. The outcome of the assessment of UK-MHRA for grant of EUA. <p>Dr. Sushant Meshram did not participate in the discussion.</p>
3.	BIO/MA/ 20/000103 Whole Virion, Inactivated Corona Virus Vaccine (BBV152) (EUA)	M/s Bharat Biotech International Limited, Hyderabad	<p>The firm presented their proposal for grant of Emergency Use Authorization (EUA) of Whole Virion, Inactivated Corona Virus Vaccine (BBV152) along with the interim safety and immunogenicity data of Phase I and II clinical trial carried out in the country before the committee.</p> <p>After detailed deliberation, the committee recommended that the firm should present the safety and efficacy data from the ongoing Phase III clinical trial in the country for further consideration.</p>

4.	BIO/IMP/ 20/000110 COVID-19 mRNA Vaccine BNT162b2	M/s. Pfizer Ltd., Mumbai	The firm has requested more time for making presentation before the committee.
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We have also heard Dr. P.B.N. Prasad, Joint Director, Drugs Controller General of India and Sri Rishi Kant Singh, Law Consultant to the Drug Controller General of India who appeared through Video Conferencing and they have clarified that it is only after a duly constituted team of experts gives its nod to the proposal placed by the companies that any approval can be granted. In view of the above, we can safely conclude that at least for the present there is no vaccine in sight.

In this conspectus, we enquired from the learned Additional Advocate General as to how the Magh Mela was to be organized.

In our last order, we had required the learned Additional Advocate General to place before the Court the precautions and the measures which were being taken for the Magh Mela. Instructions have been placed before us and they contain as many as 18 point guidelines. Upon the perusal of these guidelines, we find that mostly these are persuasive in nature and the Government has proceeded to frame guidelines only to apprise people who would be coming to Magh Mela to take up certain general safety precautions. We are not satisfied with the guidelines which have been issued by the Chief Medical Officer, Prayagraj. The Court desires to have a more comprehensive guidelines which would ensure that people who enter the city of Prayagraj during the Mela, are in no manner going to bring in the infection of Covid-19. It is necessary to point out that it would be going to be a herculean task for the district and police

administration to differentiate between pilgrims coming to Magh Mela and ordinary people coming to the city from outside and, therefore, there is needed quite an intensive exercise to identify pilgrims coming for bathing not in identified Magh Mela area only but other banks of the rivers Ganga and Yamuna in the city. Seeing the impact of Covid-19 pandemic, *prima facie*, we are of the opinion that unless the entire city is developed in a fort and entry into the city is absolutely banned in the month of Magh, except for those who are having “Negative RT-PCR” and then are again put to an Antigen testing at the very border of the city with further RT-PCR and complete tracking is followed, we cannot save the people of the city from getting infected by Covid-19. We must acknowledge the continuous effort of our district and police administration and other front line corona warriors in bringing down positive cases and containing the spread of pandemic during last two months and so we cannot permit all these efforts to go waste by permitting entry and camping of thousands of people from outside in the city area during the month of Magh. On the next date, the learned Additional Advocate General shall place before us a comprehensive Guideline covering the subject matter keeping in mind what we have observed hereinabove.

So far as the monitoring of schools, colleges etc. are concerned, we find that the State is leaving no stones unturned to see that the infection does not spread in the schools. However, we do feel that the schools, colleges should be made to run with the most limited staff, students keeping in mind that pandemic Covid-19 is still around and vaccination is not in sight.

Order on PIL No.1289 of 2019

In compliance of our last order, the Vice-Chairman of the Prayagraj Development Authority, Prayagraj and the Municipal Commissioner of the Nagar Nigam, Prayagraj were present in the Court. They have filed their separate affidavits.

With regard to the development of Prayagraj, they stated that every effort was being made to improve the city. The Nagar Nigam has pointed out that there were certain places where work could not be done due to shortage of funds.

Under such circumstances, we direct the Prayagraj Development Authority and also the Nagar Nigam, Prayagraj to give an estimate of the funds which would be required by them. As and when the estimate is forwarded to the State Government, within a period of ten days thereafter the State would make an endeavour to make the payments. When the case is taken up next, the Prayagraj Development Authority and the Nagar Nigam shall place its complete estimate and blueprint of the proposed exercise for which the fund has been raised.

With regard to the drains and the pond which were situated on the Jawahar Lal Nehru road, it has been informed that the Nagar Nigam had requested for funds from the State for the Nala and with regard to the pond, it has been informed that after the decree was passed in favour of the plaintiff in Civil Suit No.503 of 1980 on 25.08.1992, in the First Appeal, only 50% of the pond was given to the plaintiff and 50% of the pond was given to the Nagar Nigam. Since issue no.1 had been decided that it was a pond, the endeavour of the Nagar Nigam should be to revert the property to its original shape. The State Government, the Nagar Nigam and

the Prayagraj Development Authority to see that the pond is restored as per the decree of the First Appeal.

So far as the cycle pathway is concerned, it has been informed by the Prayagraj Development Authority that the cycle pathways on the Thornhill Road and Lala Lajpat Rai road have been cleared and were ready for being used by the cyclists.

Under such circumstances, it is being directed that the police should see that all cyclists who use these roads i.e. Thornhill Road and the Lala Lajpat Rai Road should compulsorily use only the cycle paths.

So far as the restoring of the parking which was provided in the original sanctioned map is concerned, it has been informed by the learned counsel for the Prayagraj Development Authority that only notices had been given to the buildings which were situated on the Sardar Patel Marg.

Under such circumstances, it is being directed that the buildings situate in other parts of the Prayagraj will also be looked into and wherever parking had been converted into commercial establishments or shops, they would be restored to their original shapes. Report in this regard, be submitted by the Nagar Nigam/ Prayagraj Development Authority on the next date fixed.

Now coming to the various Wards of which Advocate Commissioners have submitted their reports.

With regard to Ward No.35, Sri Anubhav Singh, Advocate Commissioner has provided a report and has stated that the area of Chota Baghada was in a shambles and it required attention of the Nagar Nigam.

So far as the Ward No.55 is concerned, Sri Rahul Srivastava, Advocate Commissioner has provided a report and has stated that there were three parks in the area of George Town which were being maintained by the Nagar Nigam and all the three parks were in a pitiable condition. Further it has been informed that the digging which has been done for the purposes of the laying down of gas pipelines were not being repaired.

Sri Deepak Kumar, Advocate Commissioner has submitted a report with regard to the Ward Nos.71, 74, 76 and 79 and has submitted that in the area of Atala and Khuldabad, there was a huge Nala and it was in a very bad shape. He has further submitted that the sewage water flows through these nala into the Yamuna River. The Nagar Nigam to see that the Nala situate in Atala and Khuldabad area are properly repaired and the pipe lines from which sewage water falls into the Yamuna River, are looked after properly.

Sri Gyan Chand Verma, Advocate Commissioner has submitted a report with regard to Ward Nos.30, 33 and 59 and has stated that the area near the Cheoki Railway Station, there was a pond which was also in an abominable situation and if the situation is not addressed to then it might lead to some kind of epidemic in the area.

With regard to the Ward No.42, Sri Sarveshwari Prasad, Advocate Commissioner has submitted a report which may be looked into by the Nagar Nigam and the Police Department.

The reports which were submitted by the Advocate Commissioners be kept on record.

Under such circumstances, we direct the Nagar Nigam and the Authorities concerned to look into the grievances of the residents of Prayagraj. The copies of the report may be served on the Nagar Nigam and the Authorities concerned so that the problems raised in the reports are addressed by the Nagar Nigam and the Authorities concerned.

The personal appearance of the Vice-Chairman of the Prayagraj Development Authority, Prayagraj and the Municipal Commissioner of the Nagar Nigam, Prayagraj are hereby exempted. However, we expect them to ensure absolute compliance of our orders issued in the past and this order which is being passed today.

Civil Misc. Intervention Application No.Nil of 2020

The Intervention application filed by Sri Abhishek Rai, Advocate dated 17.12.2020 be kept on record. The copy of the application be served upon the learned Additional Advocate General and also the Nagar Nigam. They may take instructions with regard to the averments made in the affidavit filed in support of the application.

Office is directed to allot a regular number to this application.

Civil Misc. Intervention Application No.Nil of 2020

The Intervention application filed by Sri V.C. Srivastava, Advocate be kept on record.

Place this Public Interest Litigation on 07.01.2021 in the Additional Cause List at 02:00 PM.

Registrar General of this Court to communicate this order to the Chief Secretary, State of U.P. Lucknow and the Director General of Police, U.P. Lucknow, immediately.

Order Date :- 17.12.2020

Siddhant

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