

	I(A) dated 30.05.2020 by the Ministry of Home Affairs		
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THROUGH

(SHALABH GUPTA & CO.)
ADVOCATES

New Delhi
Dated: **08.05.2021**

IN THE HIGH COURT OF DELHI AT NEW DELHI

PUBLIC INTEREST LITIGATION

(CIVIL ORIGINAL JURISDICTION)

Writ Petition (Civil) No. _____ Of 2021

A WRIT PETITION IN PUBLIC INTEREST UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA HIGHLIGHTING THE NEED FOR ESTABLISHMENT/EARMARKING OF A 100 BED DEDICATED HEALTH FACILITY CATERING TO COVID-19 INFECTED PUBLIC PROSECUTORS OTHER STAFF OF THE PROSECUTION DEPARTMENT OF THE GOVT. OF NCT OF DELHI AND THEIR RESPECTIVE FAMILY MEMBERS ON AN IMMEDIATE BASIS

MEMO OF PARTIES

In the matter of Public Interest Litigation:

DISHANK DHAWAN
S/O LATE S K DHAWAN
B-43, PANDARA ROAD,
NEW DELHI-110003

...

PETITIONER

VERSUS

GOVERNMENT OF NCT OF DELHI
Department of Health and family Welfare
9th Level, A-Wing, Delhi Secretariat, Delhi
I.P Estate, New Delhi- 110002
Email- standingcounselgnctd@gmail.com

...

THROUGH

New Delhi
Dated: **08.05.2021**

SYNOPSIS

That the present petition, is aimed at providing an effective safeguard to lives of the public prosecutors & other staff of the prosecution department of the Govt. of NCT of Delhi and their respective family members suffering from COVID-19. There is an immediate need for establishment/earmarking of a 100 bed dedicated health facility catering to the COVID-19 infected public prosecutors & other staff of the prosecution department and their respective family members on an immediate basis.

That the novel corona virus also known as COVID-19 originated in Wuhan province of China in December 2019. Over a period of time, it has affected over almost the all countries in the world, including India, which detected its first case on 30.01.2020 in Kerala. The Hon'ble Prime Minister of India announced a country wide lockdown for 21 days. This announcement was given effect to by an Order no. 40-3/2020-DM-I(A) dated 24.03.2020 by the Ministry of Home Affairs. The said Order imposed several restrictions and puts in place many mechanisms curtailing various fundamental rights of the citizens of our country. The Ministry of Home Affairs issued an order announcing a phased reopening

or 'Unlock 1' after which almost all prohibitory orders were lifted, except in containment zones.

That the petitioner, other public prosecutors & staff of the prosecution department have been attending the court proceedings not only post resumption of Courts physically in March, 2021 but also during the period of lockdown. The petitioner himself has tested positive for COVID-19 on 09/04/2021.

That the resources of the government are exhausted and are overburdened as is evident from the circulation of various media news and suo moto hearings preferred by the Supreme Court for equitable distribution of essential supplies including oxygen during the pandemic, seeking transparency in the distribution of these essential supplies and services.

That as part of their duty, the Public prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi faced extreme exposure and worked selflessly and had to interact with public, police and other court staff constantly even during the nationwide lockdown. The Public Prosecutors were also performing, to maintain law and order in the country, Jail duties and recording of evidence amid this deadly corona virus. The Public Prosecutors were also posted for Police Training

College and were exposed to risk. The Public Prosecutors are considered an indispensable part of the criminal system. While the country was reeling under the first wave of the corona virus, it was also witnessing various crimes such as domestic violence cases, theft, murders, rapes etc. due to which there were flow of criminal cases and the public prosecutors & other staff of the prosecution department had to visit courts regularly and had to work effortlessly even during this pandemic. Being the fundamental part of the criminal system, they could not turn their eyes blind to this another intrusive crises which took birth parallelly.

That the second wave has taken almost everyone under it's umbrella especially those who were constantly dealing with public lately. Public Prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi have been widely affected due to public contact on regular basis amid pandemic. That the representation in this regard has also been given to the Chief Secretary, director of prosecution, GNCTD and Health Secretary, GNCTD on email but no action has been taken yet.

Hence, the present petition.

IN THE HIGH COURT OF DELHI AT NEW DELHI

PUBLIC INTEREST LITIGATION

(CIVIL ORIGINAL JURISDICTION)

Writ Petition (Civil) No. Of 2021

A WRIT PETITION IN PUBLIC INTEREST UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA HIGHLIGHTING THE NEED FOR ESTABLISHMENT/EARMARKING OF A 100 BED DEDICATED HEALTH FACILITY CATERING TO COVID INFECTED PUBLIC PROSECUTORS AND OTHER STAFF OF THE PROSECUTION DEPARTMENT OF THE GOVT. OF NCT OF DELHI AND THEIR RESPECTIVE FAMILY MEMBERS ON AN IMMEDIATE BASIS

In the matter of Public Interest Litigation:

DISHANK DHAWAN
S/O LATE S K DHAWAN
B-43, PANDARA ROAD,
NEW DELHI-110003

...

PETITIONER

VERSUS

GOVERNMENT OF NCT OF DELHI
THROUGH CHIEF SECRETARY
DELHI SECRETARIAT, NEW DELHI.

...

RESPONDENT

To

THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUDGES
OF THE HON'BLE HIGH COURT OF DELHI, AT NEW DELHI

The Humble Petition of the Petitioner above-named

MOST RESPECTFULLY SHOWETH: -

1. That the petitioner is filing the instant writ petition in public interest. The petitioner has no personal interest in the litigation and the petition is not guided by self-gain or for the gain of any other person / institution / body and that there is no motive other than of public interest in filing the writ petition.

2. That the petitioner has based the instant writ petition from information and documents publically available and other source of information.

3. That the petition, if allowed, would provide an effective safeguard to lives of the public prosecutors&other staff of the prosecution department of the Govt. of NCT of Delhi and their respective family members suffering from COVID-19. The public prosecutors& other staff of the prosecution department have been risking exposure of the deadly novel corona virus (COVID-19) each day but are still serving the State, as an important component of the criminal justice system, with utmost dedication and sincerity. There is therefore an urgent need for setting up a mechanism by which the public prosecutorsand other staff of the prosecution department,and their respective family members get appropriate treatment and admission in an establishment/earmarked facility for COVID-19

upon testing positive, at a central location of Delhi. Hence the petitioner herein is preferring this PIL.

4. That through this PIL, the petitioner would like to bring to the notice of this Hon'ble Court an immediate need for establishment/earmarking of a 100 bed dedicated health facility catering to the COVID-19 infected public prosecutors & other staff of the prosecution department and their respective family members on an immediate basis. Public prosecutors and other staff of the prosecution department have been working selflessly and risking exposure to the deadly virus since the physical hearing in the court premises of Delhi were resumed. With the current state of health facilities stretched despite the preparedness by the Govt. of NCT of Delhi, public prosecutors & other staff of the prosecution department and their family members are running from pillar to post to find beds, oxygen and various other essential medical facilities despite their selfless service. The present petition is in the interest of such officers and their family members and to the knowledge of the petitioner, no other person/body/institutions are likely to be affected by the directions sought in the present PIL.

5. That the novel coronavirus also known as COVID-19 originated in Wuhan province of China in December 2019. Over a period of time, it has affected over almost the all countries in the world, including India, which detected its first case on 30.01.2020 in Kerala. With the exponential rise in cases, the World Health Organization declared a COVID- 19 pandemic. To counter the pandemic, the Government of India as well as different State Governments took different steps, starting from February and early March 2020.
6. That the Hon'ble Prime Minister of India announced a country wide lockdown for 21 days. This announcement was given effect to by an Order no. 40-3/2020-DM-I(A) dated 24.03.2020 by the Ministry of Home Affairs. The said Order imposed several restrictions and puts in place many mechanisms curtailing various fundamental right of the citizens of our country. Copy of Order no. 40-3/2020-DM-I(A) dated 24.03.2020 by the Ministry of Home Affairs is attached herewith as **ANNEXURE P-1**.
7. That the Ministry of Home Affairs issued an order announcing a phased reopening or 'Unlock 1' after which almost all prohibitory orders were lifted, except in containment zones. Copy of Order no.

40-3/2020-DM-I(A) dated 30.05.2020 by the Ministry of Home Affairs is attached herewith as **ANNEXURE P-2**.

8. That the petitioner is serving as an Assistant Public Prosecutor in the Directorate of Prosecution, Govt. of NCT of Delhi and is currently posted in Patiala House Courts Complex. The petitioner also undertakes to pay the costs, if any, imposed by the Hon'ble Court. Copy of the Public Prosecutor ID of the petitioner is annexed herewith as **ANEXURE P-3**.

9. That the egregious and unprecedented entry of this novel Virus has already taken many lives. The First wave of Covid-19 took birth in India last year in March, 2020 and since then, this novel coronavirus has been creating utmost deadly environment all over the world. The functioning of the Courts was suspended by Delhi High Court on March 23, 2020. However, Delhi High Court continued to take up urgent matters through Virtual mode. The partial resumption of physical hearings were done in the interest of public in September, 2020. Similarly, the District Courts of Delhi also conducted hearings through Virtual mode and resumed complete physical hearings in March, 2021. The lives of the Public Prosecutors and other staff of the prosecution department of the

Govt. of NCT of Delhi were constantly exposed to high risk in as much as the deadly virus had already taken the colour of higher risk and no one was aware about the same. No fortress was left immuned to this corona virus and a lot of judicial officers among others have already succumbed to this novel coronavirus. This itself highlights the gravity of this pandemic and it's harsh outcomes. Order dated 14.01.2021 showing resumption of district courts partially is annexed herewith as **ANNEXURE P-4**. Order dated 09.03.2021 showing resumption of district courts completely is annexed herewith as **ANNEXURE P-5**.

10. That the petitioner, other public prosecutors & staff of the prosecution department have been attending the court proceedings not only post resumption of Courts physically in March, 2021 but also during the period of lockdown. The petitioner and various other public prosecutors & other staff of the prosecution department were exposed to high risk due to public dealing, and have tested positive. The petitioner himself has tested positive for COVID-19 on 09/04/2021. The Covid Test report of the petitioner is annexed as **ANNEXURE P-6**.

11. That the resources of the government are exhausted and are overburdened as is evident from the circulation of various media news and suo moto hearings preferred by the Supreme Court for equitable distribution of essential supplies including oxygen during the pandemic, seeking transparency in the distribution of these essential supplies and services. The situation is so horrifying and gruesome that people either succumb outside hospitals while waiting for beds or enroute when they are running from one hospital to another searching for beds. There is an environment of anguish and pain all over the country owing to the lack of necessary resources. Lately, hospitals in India are facing acute shortage of oxygen/ICU beds, Ventilators ever since the second wave of the coronavirus hit the country. Various media reports showing the current situation are annexed herewith as **ANNEXURE P-7 (Colly)**.

12. That as part of their duty, the Public prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi faced extreme exposure and worked selflessly and had to interact with public, police and other court staff constantly even during the nationwide lockdown. The Public Prosecutors were also performing, to maintain law and order in the country, Jail duties and recording

of evidence amid this deadly coronavirus. The Public Prosecutors were also posted for Police Training College and were exposed to risk. The Public Prosecutors are considered an indispensable part of the criminal system. While the country was reeling under the first wave of the coronavirus, it was also witnessing various crimes such as domestic violence cases, theft, murders, rapes etc. due to which there were flow of criminal cases and the public prosecutors & other staff of the prosecution department had to visit courts regularly and had to work effortlessly even during this pandemic. Being the fundamental part of the criminal system, they could not turn their eyes blind to this another intrusive crises which took birth parallelly.

13. That the second wave has taken almost everyone under its umbrella especially those who were constantly dealing with public lately. Public Prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi have been widely affected due to public contact on regular basis amid pandemic. Most of the Public Prosecutors of all districts and their family members are covid positive right now and are fighting for oxygen and hospital beds. One Prosecutor, namely Mr. Taufeeq Ahmed, who was posted in Karkardooma Court, East District, Delhi, unfortunately,

succumbed to this deadly coronavirus. In this backdrop, it is all the more important to save Public Prosecutors so that the criminal system of our country is not miserably hampered and other officers affected can be given timely treatment. Many other were unable to secure beds in hospitals of Delhi and had to move at far flung places. Some of them include APP Mr. Kamal Akhtar who went to Allahabad for his treatment. APP Mr. Gaurav Pandey is currently in Hapur for treatment. Not only this, a junior Assistant, Suman Saurabh, of Prosecution administration branch, Tis Hazari, office staff of prosecution administration branch also expired on 19.04.2021 due to COVID. APP Mr. Virender Singh was suffering from Covid and was admitted to NKS Hospital, Gulabi Bagh but was discharged due to non-availability of oxygen, and he could not thereafter find a bed in any hospital.

14. That the Petitioner has been tirelessly and selflessly helping other public prosecutors & other staff of the prosecution department to arrange oxygen, RTPCR tests and other medical tests with home sample collection facility despite being positive for COVID by whatever means he could. However, the situation has worsened and it is pertinent to seek help from the Hon'ble Court in order to keep our criminal system from drowning.

15. That the representation in this regard has also been given to the Chief secretary, director of prosecution, GNCTD and Health Secretary, GNCTD on email but no action has been taken yet. The copy of email dated 25.04.2021 is annexed herewith as **ANNEXURE P-8.**

16. That there are total about 152 APP including PTC, 132 Additional PP, 14 Chief PP and one Director. There are various other staff of the prosecution department. In view of the above situation, it is important to save the lives of these people so as to save the criminal system of Delhi.

17. That the govt has also failed to employ doctors and other medical staff on adhoc basis so they may serve the people of the state. Moreover, the state had already been reeling from shortage of doctors and medical staff before the pandemic even took birth. With caseload at an all time high, the need for the govt. machinery to act and hire doctors is more important than ever. To facilitate the above point, it is the humble submission of the petitioner that the results pending of any appointment of JRs or any other doctors, be also declared and appointment letters be given at the earliest, to ensure that the shortfall is taken care of to a certain extent.

18. That in view of the above scenario, the grouse is that the Public Prosecutors, and other staff of the prosecution department of the Govt. of NCT of Delhi are an indispensable part of criminal system and have been risking their lives incessantly since the outset of this pandemic. In this backdrop, they should be identified as 'Frontline Workers'.

19. That the inaction of the Respondent in securing the lives of the public prosecutors and other staff of the prosecution department is arbitrary and without any just cause.

20. That petitioner has no other efficacious remedy except to approach this Hon'ble Court by way of this writ petition under Art.226 of the Constitution of India.

21. That the petitioner has not filed any other petition, claim, suit or proceeding in any court or tribunal throughout the territory of India regarding the matter in dispute.

PRAYER

In view of the facts & circumstances stated above, it is prayed that this Hon'ble Court in public interest may be pleased to direct the Respondent to :-

- a. Establish dedicated COVID center having atleast 100 beds with ICU/ventilator facility for Public Prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi including their family members, on an urgent basis;
- b. Ensure sufficient medical oxygen and oxygen concentrators are available for Public Prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi including their family members;
- c. Provide vaccination to Public Prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi including their family members in the said dedicated facility with strict monitoring by the concerned police station;
- d. Provide dedicated ambulance for Public Prosecutors and other staff of the prosecution department of the Govt. of NCT of Delhi including their family members;
- e. Employ young doctors and other relevant medical staff on contract basis to reduce the burden on the existing medical system;

- f. Treat the Public Prosecutors, and other staff of the prosecution department of the Govt. of NCT of Delhi as Frontline Workers;
- g. Pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.

Richa

PETITIONER

THROUGH

Sheer

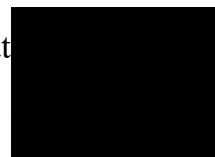
New Delhi
Dated: **08.05.2021**



litigation save as a member of the General Public. This petition is not guided by self gain or gain of any person, institution, body and there is no motive other than of public interest in filing this petition.

5. The deponent has done whatsoever inquiry/investigation which was in my power to do, to collect all data/material which was available and which was relevant for this court to entertain the present petition. The deponent further confirm that he has not concealed in the present petition any data/material /information which may have enabled this Court to form an opinion whether to entertain this petition or not and/or whether to grant any relief or not.

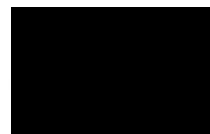
6. The deponent says that this is his true and correct stat



DEPONENT

VERIFICATION:

Verified at New Delhi on this ____ day of May, 2021 that the contents of the aforesaid affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom



DEPONENT

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001

Dated 24th March, 2020

ORDER

Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order no. 1-29/2020-PP (Pt.II) dated 24.03.2020 (Copy enclosed) directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country;

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This Order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.


24/3/2020
Home Secretary

To

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.

True Copy
2

No. 40-3/2020-DM-I(A)
Government of India
Ministry of Home Affairs

North Block, New Delhi-110001
Dated 30th May, 2020

ORDER

Whereas, an Order of even number dated 17.05.2020 was issued for containment of COVID-19 in the country, for a period upto 31.05.2020;

Whereas, in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Disaster Management Authority (NDMA) has directed the undersigned to issue an order to extend the lockdown in Containment Zones upto 30.06.2020, and to re-open prohibited activities in a phased manner in areas outside Containment Zones;

Now therefore, in exercise of the powers, conferred under Section 10(2)(1) of the Disaster Management Act 2005, the undersigned hereby directs that guidelines, as *Annexed*, will remain in force upto 30.06.2020.


30/05/2020
Union Home Secretary

and, Chairman, National Executive Committee (NEC)

To:

1. The Secretaries of Ministries/ Departments of Government of India
 2. The Chief Secretaries/Administrators of States/Union Territories
- (As per list attached)

Copy to:

- i. All members of the National Executive Committee
- ii. Member Secretary, National Disaster Management Authority

True copy
2

Guidelines for Phased Re-opening (Unlock 1)

[As per Ministry of Home Affairs (MHA) Order No. 40-3/2020-DM-I (A) dated 30th May, 2020]

1. Phased re-opening of areas outside the Containment Zones

In areas outside Containment Zones, all activities will be permitted, except the following, which will be allowed, with the stipulation of following Standard Operating Procedures (SOPs) to be prescribed by the Ministry of Health and Family Welfare (MoHFW), in a phased manner:

Phase I

The following activities will be allowed with effect from 8 June, 2020:

- (i) Religious places/ places of worship for public.
- (ii) Hotels, restaurants and other hospitality services.
- (iii) Shopping malls.

Ministry of Health & Family Welfare (MoHFW) will issue Standard Operating Procedures (SOPs) for the above activities, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase II

Schools, colleges, educational/ training/ coaching institutions etc., will be opened after consultations with States and UTs. State Governments/ UT administrations may hold consultations at the institution level with parents and other stakeholders. Based on the feedback, a decision on the re-opening of these institutions will be taken in the month of July, 2020.

MoHFW will prepare SOP in this regard, in consultation with the Central Ministries/ Departments concerned and other stakeholders, for ensuring social distancing and to contain the spread of COVID-19.

Phase III

Based on the assessment of the situation, dates for re-starting the following activities will be decided:

- (i) International air travel of passengers, except as permitted by MHA.
- (ii) Metro Rail.
- (iii) Cinema halls, gymnasiums, swimming pools, entertainment parks, theatres, bars and auditoriums, assembly halls and similar places.
- (iv) Social/ political/ sports/ entertainment/ academic/ cultural/ religious functions and other large congregations.

2. National Directives for COVID-19 Management

National Directives for COVID-19 Management, as specified in Annexure I, shall continue to be followed throughout the country.


30/5/20

True copy
2

3. Night curfew

Movement of individuals shall remain strictly prohibited between 9.00 pm to 5.00 am throughout the country, except for essential activities. Local authorities shall issue orders, in the entire area of their jurisdiction, under appropriate provisions of law, such as under Section 144 of CrPC, and ensure strict compliance.

4. Lockdown limited to Containment Zones

- (i) Lockdown shall continue to remain in force in the Containment Zones till 30 June, 2020.
- (ii) Containment Zones will be demarcated by the District authorities after taking into consideration the guidelines of MoHFW.
- (iii) In the Containment Zones, only essential activities shall be allowed. There shall be strict perimeter control to ensure that there is no movement of people in or out of these zones, except for medical emergencies and for maintaining supply of essential goods and services. In the Containment Zones, there shall be intensive contact tracing, house-to-house surveillance, and other clinical interventions, as required. Guidelines of MoHFW shall be taken into consideration for the above purpose.
- (iv) States/ UTs may also identify Buffer Zones outside the Containment Zones, where new cases are more likely to occur. Within the buffer zones, restrictions as considered necessary may be put in place by the District authorities.


5. States/ UTs, based on their assessment of the situation, may prohibit certain activities outside the Containment zones, or impose such restrictions as deemed necessary.

6. Unrestricted movement of persons and goods

- (i) There shall be no restriction on inter-State and intra-State movement of persons and goods. No separate permission/ approval/ e-permit will be required for such movements.
- (ii) However, if a State/ UT, based on reasons of public health and its assessment of the situation, proposes to regulate movement of persons, it will give wide publicity in advance regarding the restrictions to be placed on such movement, and the related procedures to be followed.
- (iii) Movement by passenger trains and *Shramik* special trains; domestic passenger air travel; movement of Indian Nationals stranded outside the country and of specified persons to travel abroad; evacuation of foreign nationals; and sign-on and sign-off of Indian seafarers will continue to be regulated as per SOPs issued.
- (iv) No State/ UT shall stop the movement of any type of goods/ cargo for cross land-border trade under Treaties with neighbouring countries.

7. Protection of vulnerable persons

Persons above 65 years of age, persons with co-morbidities, pregnant women, and children below the age of 10 years are advised to stay at home, except for essential and health purposes.


30/5/20

8. Use of *Aarogya Setu*

- (i) *Aarogya Setu* enables early identification of potential risk of infection, and thus acts as a shield for individuals and the community.
- (ii) With a view to ensuring safety in offices and work places, employers on best effort basis should ensure that *Aarogya Setu* is installed by all employees having compatible mobile phones.
- (iii) District authorities may advise individuals to install the *Aarogya Setu* application on compatible mobile phones and regularly update their health status on the app. This will facilitate timely provision of medical attention to those individuals who are at risk.

9. Strict enforcement of the guidelines

- (i) State/ UT Governments shall not dilute these guidelines issued under the Disaster Management Act, 2005, in any manner.
- (ii) All the District Magistrates shall strictly enforce the above measures.

10. Penal provisions

Any person violating these measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Section 188 of the IPC, and other legal provisions as applicable. Extracts of these penal provisions are at **Annexure II**.


30/05/2020

Union Home Secretary

and, Chairman, National Executive Committee

Annexure I

National Directives for COVID-19 Management

1. **Face coverings:** Wearing of face cover is compulsory in public places; in workplaces; and during transport.
2. **Social distancing:** Individuals must maintain a minimum distance of 6 feet (2 gaz ki doori) in public places.
Shops will ensure physical distancing among customers and will not allow more than 5 persons at one time.
3. **Gatherings:** Large public gatherings/ congregations continue to remain prohibited.
Marriage related gatherings : Number of guests not to exceed 50.
Funeral/ last rites related gatherings : Number of persons not to exceed 20.
4. **Spitting in public places** will be punishable with fine, as may be prescribed by the State/ UT local authority in accordance with its laws, rules or regulations.
5. **Consumption of liquor, paan, gutka, tobacco etc.** in public places is prohibited.

Additional directives for Work Places

6. **Work from home (WfH):** As far as possible the practice of WfH should be followed.
7. **Staggering of work/ business hours** will be followed in offices, work places, shops, markets and industrial & commercial establishments.
8. **Screening & hygiene:** Provision for thermal scanning, hand wash and sanitizer will be made at all entry and exit points and common areas.
9. **Frequent sanitization** of entire workplace, common facilities and all points which come into human contact e.g. door handles etc., will be ensured, including between shifts.
10. **Social distancing:** All persons in charge of work places will ensure adequate distance between workers, adequate gaps between shifts, staggering the lunch breaks of staff, etc.



30/5/20

Offences and Penalties for Violation of Lockdown Measures

A. Section 51 to 60 of the Disaster Management Act, 2005

51. Punishment for obstruction, etc.—Whoever, without reasonable cause —

- (a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or
- (b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

52. Punishment for false claim.—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

53. Punishment for misappropriation of money or materials, etc.—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

54. Punishment for false warning.—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

55. Offences by Departments of the Government.—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

57. Penalty for contravention of any order regarding requisitioning.—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

58. Offence by companies.—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) “company” means anybody corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

59. Previous sanction for prosecution.—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

60. Cognizance of offences.—No court shall take cognizance of an offence under this Act except on a complaint made by—

- (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or
- (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

B. Section 188 in the Indian Penal Code, 1860

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

VALID UPTO 16.01.2021



IDENTITY



सत्यमेव जयते

CARD

DIRECTORATE OF PROSECUTION

HOME DEPARTMENT

GOVT. OF N.C.T. OF DELHI

Tis Hazari Courts, Delhi-54

No. : 527

Name : DISHANK DHAWAN

Design. : APP. (CONT.)

17/8/2020

DIRECTOR
Issuing Authority

Holder's Signature

[Handwritten Signature]
G.N.C.T. of Delhi

True Copy
2

HIGH COURT OF DELHI: NEW DELHI

No. 35/RG/DHC/2021
Dated: 14.01.2021

OFFICE ORDER

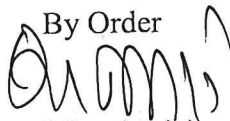
**SUBJECT: ORDER REGARDING FUNCTIONING OF THE COURTS
SUBORDINATE TO DELHI HIGH COURT.**

In continuation of this Court's earlier Office Orders, Hon'ble the Full Court, in view of the decline in the intensity of spread of Covid-19 pandemic in the NCT of Delhi, has been pleased to order that the Principal District & Sessions Judges and Principal Judge, Family Court (HQs) shall prepare roster of all the subordinate courts of their respective Districts in such a manner that such courts sit physically on alternate day basis and continue to take up the matters through 'video conferencing' on non-physical days. Such Roster be made effective from 18.01.2021.

The Subordinate Courts have also been permitted to record evidence (except in those cases where the accused is in custody) while scrupulously adhering to the norms of social distancing, when holding Courts physically.

It has further been ordered that adequate arrangement be also made by all the Principal District & Sessions Judges, in coordination with Director General (Prison) and concerned Incharge (Lockup), for production of UTPs before the physical courts w.e.f. 01.02.2021 and thereafter their cases be taken up on priority basis and evidence be also recorded in such matters.

The Advocates, litigants and other visitors to the District Court Complexes are requested to strictly adhere to the norms of social distancing and other Covid-19 related guidelines issued by Central/State Government.

By Order

(Manoj Jain)
Registrar General

Endst. No. 36-68/RG/DHC/2021

Dated: 14.01.2021.

Copy forwarded for information & necessary action, if any, to:-

1. The Secretary General, Supreme Court of India, New Delhi
2. The Registrar Generals of all the High Courts in India.
3. The Secretary, Govt. of India, Ministry of Home Affairs, New Delhi
4. The Principal Secretary (Law, Justice & L.A), Govt. of N.C.T. of Delhi
5. The Secretary, Bar Council of India, New Delhi
6. The Secretary, Bar Council of Delhi, New Delhi
7. The Secretary, Supreme Court of India Bar Association, New Delhi
8. The Secretary, Delhi High Court Bar Association, New Delhi
9. All District & Sessions Judges, Delhi.
10. The District & Sessions Judge cum Special Judge (PC Act)(CBI), Rouse Avenue Courts Complex, Delhi.
11. The Principal Judge, Family Courts (HQ), Dwarka Courts Complex, Dwarka, New Delhi, with the request to circulate the Office Order to all the Principal Judges, Family Courts.
12. The Member Secretary, Delhi Legal Services Authority (DLSA), Patiala House, New Delhi.
13. The Member Secretary, Delhi High Court Legal Services Committee, Delhi High Court.
14. The Commissioner of Police, Delhi Police, Delhi.
15. The Director (Academics), Delhi Judicial Academy, Delhi.

True copy
2

16. The Director of Prosecution, CBI, Block No. 3, II Floor, CGO Complex, Lodhi Road, Delhi.
17. The Director of Prosecution, Directorate of Prosecution, Tis Hazari, Delhi.
18. The Director General Narcotics Control Bureau, West Block, I Wing-5, Sector- 7, R.K. Puram, Delhi.
19. The Superintendent Jail, Tihar/Rohini/Mandoli, Delhi.
20. The Secretary, Delhi Bar Association, Tis Hazari, Delhi
21. The Secretary, Bar Association, New Delhi Courts, Patiala House, New Delhi
22. The Secretary, Bar Association, Karkardooma Courts, Shahdara, Delhi
23. The Secretary, Bar Association, Rohini Courts, Rohini, Delhi
24. The Secretary, Bar Association, Dwarka Courts, Dwarka, New Delhi
25. The Secretary, Bar Association, Saket Courts, Saket, New Delhi.
26. Joint Registrar-cum- Secretary to Hon'ble the Chief Justice/ All Registrars/OSDs/Coordinator (DIAC).
27. All Joint Registrars/Deputy Registrars/Assistant Registrars/Deputy Controller of Accounts/ Assistant Registrar (Library)/Joint Director (IT).
28. The Deputy Registrar-cum-P.A. to Registrar General.
29. Private Secretaries to all Hon'ble Judges.
30. All Admn. Officers (Judicial) / Court Masters/ Branch In-charge/Librarian.
31. P.A. to Registrar (IT) with the request to arrange to upload the Office Order on the website of this Court.
32. Copy to be displayed on the Notice Board.
33. Guard file.

ANNEXURE P-5

\$~31 & 32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2018/2021

ANIL KUMAR HAJELAY & ORS.

..... Petitioners

Through Mr. Atul T.N., Mr. Anil Kumar Hajelay, Mr. Sagar Pathak, Ms. Shreya Arneja & Mr. Rajat Gautam, Advs.

Also

Mr. Amitabh Chaturvedi, Mr. Sangeeth K. Mohan and Mr. Ankit Monga, Advs.

Also

Mr. A.S. Chandiok, Mr. Rajiv Nayar, Ms. Geeta Luthra, Sr. Advocates, Mr. Atul Nagarajan, Mr. Manish Vashisht, Mr. Kirtiman Singh, Mr. Jeevesh Nagrath, Mr. Nikhil Rohtagi, Mr. Sachit Jolly, Ms. Amrita Sharma, Mr. Amit Kr. Hajely, Mr. Anuj Aggarwal, Advocates

versus

HONBLE HIGH COURT OF DELHI

..... Respondent

Through Mr. Viraj Datar, Adv. for High Court of Delhi.

Mr. Mohit Mathur, Sr. Adv. with Mr. Jatan Singh, Mr. Abhijat, Mr. Mohit Gupta, Mr. Amit Saxena, Advs. & Mr. Sudhanshu Batra, Sr. Adv., Mr. Ramesh Gupta, Sr. Adv. with Mr. B.S.Dhir, Ms Kajal Chandra, Ms. Rupali Kapoor, Ms. Kanika Singh, Mr. Naginder Benipal, Mr. Nikhil Mehta, Mr. Harshit Jain and Mr. Dhan Mohan, Advs. for DHCBA

+ W.P.(C) 2673/2021 & CM APPL. 7902/2021, CM APPL. 8835/2021, CM APPL. 8864/2021, CM APPL. 8990/2021, CM APPL. 9553/2021 and CM APPL. 9554/2021

MANASHWY JHA

..... Petitioner

Through Mr. Manish Vashisht, Mr Sameer Vashisht, Mr Rikky Gupta, Mr Amitabh Chaturvedi, Mr Jeevesh Nagrath and Ms Urvi Kapoor, Advs. with petitioner in person

Mr. A.S. Chandiok, Sr. Adv. with Ms. Sweta Kakkad and Ms Neelam Deol,

Mr. Rajiv Nayar, Ms. Geeta Luthra, Mr. Chander Lall, Sr. Advocates, Mr. Atul Nagarajan, Mr. Manish Vashisht, Mr. Kirtiman Singh, Mr. Jeevesh Nagrath, Mr. Nikhil Rohtagi, Mr. Sachit Jolly, Ms. Amrita Sharma, Mr. Amit Kr. Hajely, Mr. Anuj Aggarwal, Advocates

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr. Chetan Sharma, ASG with Mr. Anil Soni , CGSC with Mr. Amit Gupta, Mr. Vinay Yadav, Mr. Akshay Gadeock, Mr. Sahaj Garg, Mr. R.Venkat Prabhat, Advs. for Respondent No. 1 /UOI.

Mr. Shadan Farasat, ASC and Ms. Tanvi Tuhina, Advocate for R-2/GNCTD.

Mr. Viraj Datar, Adv. for Delhi High Court/R-3.

Mr. Vikas Singh, Sr. Adv. with Mr. Yogesh Swaroop, Mr. D.D. Sharma, Advs. for co-ordination committee of All District Bar Association/R-4

Mr. Mohit Mathur, Sr. Adv. with Mr. Jatan Singh, Mr. Abhijat, Mr. Mohit Gupta, Mr. Amit Saxena, Advs. & Mr. Sudhanshu Batra, Sr. Adv., Mr.

Ramesh Gupta, Sr. Adv. with Mr. B.S.Dhir, Ms Kajal Chandra, Ms. Rupali Kapoor, Ms. Kanika Singh, Mr. Naginder Benipal, Mr. Nikhil Mehta, Mr. Harshit Jain and Mr. Dhan Mohan, Advs. for DHCBA/R-5.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI
ORDER
09.03.2021

%

1. We have heard a host of counsels including a number of senior counsels in the matters. Some of them have supported the petitioners and have contended that even if the Courts are going to reopen physically with effect from 15.03.2021, as per the decision of the Full Court taken in its meeting on 19.02.2021, the hybrid form of hearing should be undertaken in appropriate cases. The hybrid form of hearing is one, where some of the parties/ their counsels may be physically present in the Court room when the matter is taken up by the Court for hearing, while other(s) may participate through the online mode. On the other hand, learned senior counsels appearing for Delhi High Court Bar Association, Bar Council of Delhi and Co-ordination Committee of All District Bar Association have supported the full-fledged resumption of physical hearing from 15.03.2021 and have also supported the decision of the Full Court on 19.02.2021 that the hybrid system of hearing should be permitted only in exceptional cases.
2. Considering the fact that the number of Covid-19 positive cases has declined considerably, and more and more services and facilities have been opened in the last few months including schools, colleges, cinema halls, gymnasiums, swimming pools etc.; it is high time that the Courts should

also resume physical hearing. A beginning has to be made and the fear that has gripped the people – including the Advocates, has to be shaken off. It also appears to us that some amount of complacency has crept in, and a large number of people have found comfort in working from home, and do not wish to get out of their comfort zone. At the same time, there can be no denial to the fact that with an increase in intermingling and congregation of people, there is a possibility of a spike in the number of Covid-19 positive cases. It would, therefore, be necessary for the Court administration to keep a close watch on the situation and take appropriate steps when physical hearing is resumed in the High Court and the Courts subordinate to it, with effect from 15.03.2021 onwards.

3. The report filed by the learned Registrar General of this Court shows that considering the presently provided infrastructure, the hybrid system of hearing in the courts subordinate to the Delhi High Court is not feasible. We are informed that in some courts, the learned Judges are providing the facility of hybrid hearing by using their mobile phones and/or by sharing the screens of their computers with the arguing counsel in the courtroom. However, such a hybrid system is not completely satisfactory, particularly since social distancing norms are required to be maintained between the learned Judge, the court staff as also the lawyers present in the courtroom for which purpose transparent screens have been erected between the lawyers, court staff/learned judges.

4. On the other hand, so far as the High Court of Delhi is concerned, we are informed that the video conference facility which is essential for conduct of hybrid system of hearing is already available in 13 courtrooms, out of the 25 courtrooms - wherein the Hon'ble Judges of the High Court

would be simultaneously holding courts regularly w.e.f 15.03.2021 .

5. Mr. Viraj Datar, learned counsel for Delhi High Court, has taken instructions and states that the said facility shall be made available in the remaining 12 court rooms as well, before the resumption of physical hearing on 15.03.2021. We direct the High Court to provide adequate infrastructure and install the required system in all the 25 courtrooms from where the physical hearing will be resumed from 15.03.2021 onwards, as also to impart requisite training to the court staff to be able to operate the hybrid system. We may note that it was implicit in the decision of the Full Court taken on 19.02.2021, that each Court should have the facility of holding hybrid hearing. Otherwise, it would not be possible to entertain requests for hybrid hearing, or hearing through video conference, in exceptional cases. It goes without saying that the requisite infrastructure should be available in all Court rooms, so that the requests for virtual/online hearing in exceptional cases may be entertained on merits, and are not filed on the ground of non-availability of hybrid hearing facility in some Court rooms. Therefore, without any further delay, the said facility should be made available in all 25 court rooms before 15.03.2021.

6. As per the Full Court resolution, the parties or/and counsel may be permitted to join proceedings through video conference in exceptional cases, subject to availability of the requisite infrastructure. It has been submitted before us that it is not clear as to what would be considered as an exceptional case, since no yardstick for consideration thereof has been specified, and there may be instances when one person may perceive the circumstances to be exceptional, but another may not think so. Therefore, if such a request is made on the date of hearing, when the matter is called out,

and the request is declined, the same could result in a difficult situation, since the counsel/ party who makes the request would not be able to reach the Court, or may still choose not to proceed to the Court on account of his/her own circumstances.

7. As to what would constitute exceptional cases, would have to be left to the discretion of the Judge/Judges before whom the cases are listed, and before whom the request for video conference hearing is made. However, to put to rest to any uncertainty in this regard, it would be appropriate that such a request is permitted to be made at least one working day in advance, and the same be considered by the Judge/Judges and a decision thereon communicated through the concerned Court Master to the counsel and/or parties well in advance, so that they may be made aware of the fact as to whether or not their request for video conferencing has been acceded to. While making such a request, the opposite counsel/parties should also be put to notice. We, however, make it clear that the decision on whether or not to grant such a request would be entirely on the discretion of the Judge/Judges and no personal hearing or any other form of hearing would be required to be given to the party in support of the request, or to the party who is opposing such a request - otherwise, it would lead to valuable time being spent by the Judge/Judges in arguments on this aspect, and would lead to a complete mess.

8. We are also of the view that the parties/counsel who make a request for hearing through video conference after the courts have resumed physical hearing, should know that the said request, if allowed, would be entirely at their peril. The hearing through video conference, on or from 15.03.2021, would be the exception and not the norm. Therefore, it would

fall upon the concerned parties/counsel to ensure that the hearing of the case, when taken up by the Court, is not obstructed or defeated on account of his/her not being physically available in the Court for any reason whatsoever. In case of poor internet connectivity, the Court would not be obliged to adjourn the proceedings. Similarly, in case any documents or copies of decisions etc. are to be provided to the Court at the time of hearing, it will be the obligation of the parties/counsel to ensure that the same are circulated well in advance, so that they are brought on record and also served on the opposite party(ies).

9. While making their request for hearing through video conference, the parties/counsel should clearly set out the exceptional circumstances, and also indicate their geographical location from where he/she would be joining the proceedings. Their absence from the geographical limits of GNCTD alone, may not be a sufficient ground for making a request for video conference hearing.

10. Keeping in view the possibility that the Covid-19 positive cases may surge when physical hearings start due to heavy footfall in the premises of Delhi High Court as well as in the Courts subordinate to it, we deem it appropriate to direct the Registry of this Court, and the concerned District & Sessions Judges to prepare the cause-list of cases listed for hearing on a particular day, in at least two parts *i.e.* one for the pre-lunch session and the other for the post lunch session, so that number of people visiting the court at the same time is curtailed.

11. It has been argued by Ms. Vertika Sharma, Advocate that she is a young mother of two children, and it is extremely difficult for her to leave them at home to attend the court proceedings in these times, since the

schools for small children have not re-opened yet. However, she also wishes to pursue her profession and does not wish to sacrifice the same. We are hopeful that any request made for the aforesaid reason by any lady counsel would be examined compassionately by the concerned Judge(s).

12. As far as District Courts are concerned, since the infrastructure to put hybrid form of hearing is not in place, a similar arrangement cannot be directed for the District Court for the time being.

13. Mr. Farasat, Advocate, who appears for GNCTD, seeks a week's time to place on record an affidavit with regard to the time the State would need to provide adequate infrastructure in the District Courts, so that hybrid hearing can be held in those courts as well. Let the affidavit be filed within a week, as prayed for.

14. Mr. Viraj Datar, learned counsel for Delhi High Court, submits that the direction issued by the learned Single Judge of this Court on 26.02.2021, to the effect that no adverse order shall be passed by subordinate courts in Delhi if the counsel does not appear for physical hearing, is not called for, since it is leading to delay in the progress of the cases, as one or the other counsel invariably takes advantage of this direction, and chooses not to appear in the matter. In our view, a general direction of this kind is not called for, since the Courts always examine the situation on case-to-case basis and exercise their discretion whether, or not, to accommodate a party in the absence of its counsel. This direction of the learned Single Judge, is, therefore, withdrawn forthwith.

15. Let a report be called from all the District Courts in Delhi with regard to the footfall/crowding in the functioning of the Courts in the first week after full fledged physical hearing starts on 15.03.2021 and the same be

placed before the Court by the Registrar General on the next date of hearing.

16. List on 24.03.2021.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 9, 2021

acm

CLIENT CODE : C000066192

CLIENT'S NAME AND ADDRESS :
SRL LTD-HOME COLLECTION YUSUF SARAI
SHOP NO.71/1, GROUND FLOOR, YUSUF SARAI MARKET,

NEW DELHI 110016
DELHI INDIA
011-40601824 011-40601825

SRL LIMITED
SRL,REFERENCE LAB, GP-26, MARUTI INDUSTRIAL ESTATE,UDYOG
VIHAR,SECTOR-18,
GURGAON, 122015
HARYANA, INDIA
Tel : 9111591115, Fax : CIN - U74899PB1995PLC045956
Email : connect@srl.in

PATIENT NAME : DISHANK DHAWAN

PATIENT ID : DISHM0101910

ACCESSION NO : 0225UD002389 AGE : 30 Years SEX : Male

DATE OF BIRTH :

DRAWN : 08/04/2021 13:06

RECEIVED : 08/04/2021 13:07

REPORTED : 09/04/2021 11:54

REFERRING DOCTOR : SELF

CLIENT PATIENT ID :

CLINICAL INFORMATION :

ICMR Registration No: SRLRL001

Test Report Status	Final	Results	Biological Reference Interval	Units
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MOLECULAR BIOLOGY

SARS COV -2 REAL TIME PCR

SARS-COV-2 RNA

POSITIVE

Comments

NOTE: CONFIRMATORY GENE CT VALUE = 18

Interpretation(s)

SARS COV -2 REAL TIME PCR-

SARS-CoV-2, formerly known as 2019-nCoV, is the causative agent of the coronavirus disease 2019 (COVID-19). Main symptoms of the disease include fever, cough and shortness of breath. The virus is spread via person-to-person contact through respiratory droplets produced when a person coughs or sneezes. The SARS-CoV-2 RNA is generally detectable in nasopharyngeal/oropharyngeal swabs during the acute phase of infection. Positive results are indicative of active infection. Real Time PCR assay targets specific genes and can be used for diagnosis of SARS-CoV-2 virus infection which contributes to severe upper respiratory distress and complications. Positive result indicates that RNA from SARS-CoV-2 was detected in the specimen, and the patient is considered infected with the virus and presumed to be contagious. Negative test result for this test means that SARS-CoV-2 RNA was not detected in the specimen above the limit of detection of the assay.

Limitations:

- Negative results do not preclude COVID-19 and should not be used as the sole basis for patient management decisions. Negative results must be combined with clinical observations, patient history, and epidemiological information.
- Positive results do not rule out bacterial infection or co-infection with other viruses.
- Optimum specimen types and timing for peak viral levels during infections caused by 2019-nCoV have not been determined. Collection of multiple specimens (types and time points) from the same patient may be necessary to detect the virus.
- Follow-up testing may particularly be important if patient has a clinical picture of viral pneumonia, a potential exposure history, and/or radiographic findings (chest CT or MRI scan) consistent with COVID -19 pneumonia. However repeat testing in the near-term after clearance (within 90 days) should be avoided as prolonged shedding of non-viable virus is not uncommon
- Ct values generated from different assay systems within the same laboratory, or from different laboratories, are not directly comparable and do not necessarily reflect the same viral load due to inter-assay and inter-laboratory variability.
- Variation in timing of sample collection, fluctuations in virus shedding, and difference between detection limit of different testing methods within same or different labs could lead to variation in results particularly during initial phase of infection.
- If the virus mutates in the rRT-PCR target region, 2019-nCoV may not be detected or may be detected less predictably. Inhibitors or other types of interference may produce a false negative result.
- The performance of this test has not been established for monitoring treatment of 2019-nCoV infection.

Note: Test is performed using ICMR approved Kit.

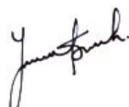
References:

1. Laboratory testing for coronavirus disease 2019 (COVID-19) in suspected human cases. Interim guidance. World Health Organization.
2. Druce et al. JCM. 2011
3. N. Engl. J. Med. 2020, 382, 929-936

End Of Report

Please visit www.srlworld.com for related Test Information for this accession


Dr. Rashmi Talwar, PhD
Section Head- Genetics



Dr. Yoginder Pal Singh, Ph.D
Molecular Biologist



Dr. Anurag Bansal
LAB DIRECTOR



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Saturday, May 08, 2021
 ANNEXURE P-7



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Coronavirus (Covid-19) India Lockdown News Live Updates: Tamil Nadu joins a list of states that have imposed complete lockdowns due to the second wave of the virus.

By: **Express Web Desk** | Bengaluru, Chennai, Kolkata, Mumbai, New Delhi |
Updated: May 8, 2021 12:05:45 pm



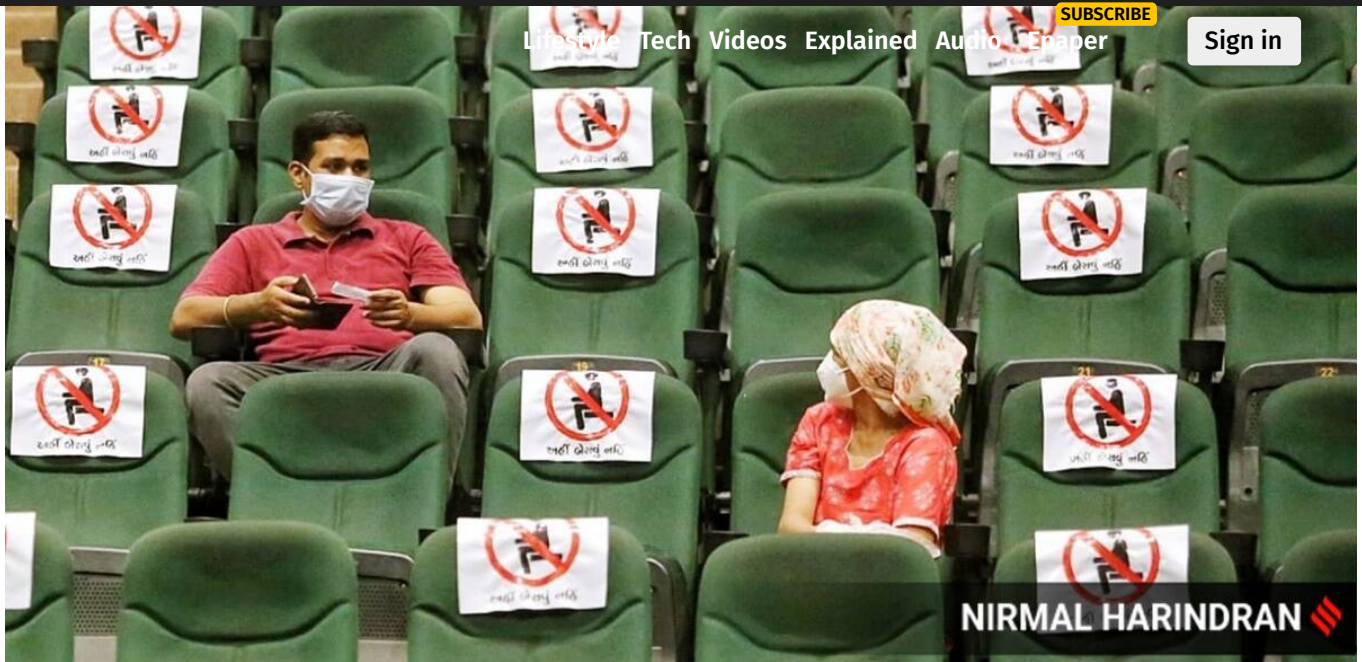
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Twenty-four states have reported a test positivity rate of more than 15 per cent for Covid-19 over the last week, the government said. (Express Photo Nirmal Harindran)

Coronavirus India Live Updates: India recorded over 4 lakh new Covid-19 cases in the last 24 hours ending 8 am Saturday, taking the country's total caseload to over 2.18 crore. Out of these, over 37 lakh cases are currently active while over 1.79 crore people have recovered. With 4,187 new deaths, the toll now stands at over 2.38 lakh. At least 14 states are reporting cases in five figures. Maharashtra reported about 54,000 cases, Karnataka had nearly 49,000, while Kerala had over 38,000.

A day after Tamil Nadu recorded its biggest single day spike in covid cases, the new DMK government on Saturday announced a complete lockdown in the state from May 10 to May 14, becoming the latest state to do so. Before this, neighbouring states Kerala and Karnataka announced complete lockdowns on Friday due to the second wave of the virus.

Amid India's deadly second wave, twenty-four states have reported a test positivity rate of more than 15 per cent for Covid-19 over the last week, the government said. At least 30 districts had showed "a steep upward trend" in cases over the last two weeks. The data were a "matter of great concern", the Health Ministry said.

The Union Health Ministry Friday said states such as Maharashtra, Uttar Pradesh, Delhi, Rajasthan, Chhattisgarh, Gujarat, Madhya Pradesh, Telangana and Jharkhand have shown plateauing of daily Covid cases gradually. The ministry also said that 12 states have over one lakh active Covid-19 cases while seven states have 50,000 to one lakh active cases.

Two days after he said the **third Covid wave is 'inevitable'**, Principal Scientific Advisor to Prime Minister K VijayRaghavan Thursday said it can be prevented "if we take strong measures". "It depends much on how effectively the guidance is implemented at the local level, in the states, in districts and in the cities everywhere," ANI quoted him as saying.

New Delhi, India
Dated: 25/04/2021

To

The Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat.

Subject: Request seeking an urgent establishment of a 100 bed dedicated medical facility in Delhi for public prosecutors and their family members.

Respected Sir,

Despite the onslaught of the second wave of coronavirus, the physical hearings in the court premises of Delhi were resumed, wherein the public prosecutors of Delhi, being an important component in the dispensation of justice, selflessly exposed themselves to various police officers, general public, lawyers and other court staff on a daily basis. Due to the nature of work in the court complexes, the public prosecutors unknowingly were highly exposed to the undetected virus. Due to the said exposure, numerous prosecutors, including myself, along with their respective family members have tested positive for the coronavirus and to an utter dismay an officer has left for his heavenly abode recently. Some officers have been performing jail duties selflessly despite the high risk of contagion of the virus.

The public prosecutors had been risking exposure each day and serving the state, as an important component of the criminal justice system, with utmost dedication.

While it is understood that a demand to deem public prosecutors as '**frontline workers**' may require further jurisprudence, the need of the hour requires that a dedicated facility for treatment of public prosecutors and their respective families may be a set up/earmarked urgently.

With the current state of health facilities stretched despite the preparedness, it is only fair to have a '100 bed dedicated health facility' that caters to coronavirus infected public prosecutors and their family members on an immediate basis. Furthermore, to safeguard their interests and protection from any future coronavirus pandemic waves, the

True copy
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proposed facility also earmark vaccination for the aforesaid public prosecutors and the members of their family.

It is therefore requested that the Govt. of NCT of Delhi comes forward to establish a dedicated 100 bed COVID medical facility exclusively for public prosecutors and their respective families.

This is for your kind consideration.

With due deference,

Dishank

DISHANK DHAWAN
Asstt. Public Prosecutor,
New Delhi District,
Govt. of NCT of Delhi.

Copy to:

- 1. Secretary (Health), GNCTD**
- 2. Director of Prosecution, GNCTD**

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certified copies of the documents/ Annexures filed along with the writ petition.

(3) That the petitioner undertakes to file the typed copies / certified copies of the documents/ Annexures as and when directed by this Hon'ble Court.

PRAYER

In view of the aforesaid facts and circumstances, and keeping in view the urgency in the matter, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to: -

- a) Exempt the petitioner from filing the typed copies and/or certified copies of the annexures and documents being filed along with the present writ petition;
- b) pass any other order (s) as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice by this Hon'ble Court.



PETITIONER

THROUGH



**(SHALABH GUPTA & CO.)
ADVOCATES
5/25A, LGF, JANGPURA-B,
NEW DELHI
Ph: 9818681699**

New Delhi
Dated: **08.05.2021**

4. I say that this is my true and correct statement.



DEPONENT

VERIFICATION:

Verified at New Delhi on this _____ day of May, 2021 that the contents of the aforesaid affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom



DEPONENT

(2) That due to lockdown as a result of spread of Covid-19, it is not possible for the petitioner to get the affidavits attested and further to file court fees along with the writ petition and applications.

(3) That the petitioner undertakes to file the affidavits duly attested and the court fees within 72 hours from the date of resumption of regular functioning of this Hon'ble Court.

PRAYER:

It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

(a) dispense with the filing of the attested affidavits and the court fees along with the writ petition and applications; and

(b) grant any other and/ or further relief (s) which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case.



PETITIONER

THROUGH



**(SHALABH GUPTA & CO.)
ADVOCATES
5/25A, LGF, JANGPURA-B,
NEW DELHI
Ph: 9818681699**

New Delhi

Dated: **08.05.2021**

4. I say that this is my true and correct statement.



DEPONENT

VERIFICATION:

Verified at New Delhi on this _____ day of May, 2021 that the contents of the aforesaid affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom



DEPONENT

**IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL ORIGINAL JURISDICTION)**

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO. _____ OF 2021

IN THE MATTER OF :

DISHANK DHAWAN

...

PETITIONER

VERSUS

GOVERNMENT OF NCT OF DELHI

...

RESPONDENT

KNOW ALL to whom these present shall come that I, Dishank Dhawan, S/o Late S.K. Dhawan, R/O B-43, Pandara Road, New Delhi-110003, aged about 30 years, the abovenamed petitioner, do hereby appoint:

SHALABH GUPTA & CO.

ADVOCATE

5/25A, BASEMENT, JANGPURA-B, NEW DELHI-14.

9818681699 / shalabh.adv@gmail.com

(herein after called the advocate/s) to be my/our Advocate in the above noted case authorise them:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. 11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
11. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

IN WITNESS WHEREOF I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 08th day of May, 2021.

Accepted subject to the terms of the fees.

Advocate

Shelar

D/474/2004

Dishank

Client

I, Shalabh Gupta, advocate hereby identify the signature of the Petitioner

Shelar



Shalabh Gupta <shalabh.adv@gmail.com>

Dishank Dhawan vs GNCTD - PIL - Advance Copy-

1 message

Shalabh Gupta <shalabh.adv@gmail.com>

Thu, May 13, 2021 at 11:31 AM

To: standingcounselgnctd@gmail.com

Respected Madam,

Please find attached herewith the advance copy of the writ petition which is being filed by us on behalf of the Petitioner.

Regards,

For Shalabh Gupta & Co.
Advocates
5/25A, LGF, Jangpura-B,
New Delhi

**Dishank Dhawan vs GNCTD - PIL - For party 11.05.2021.pdf**

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