

**HIGH COURT OF JAMMU AND KASHMIR  
AT JAMMU**

WP(C) No. 5/2020

Court on its own motion

...Petitioner(s)

Through :-

V/s

Nemo

.....Respondent(s)

Through :-

**Coram:**

**HON'BLE THE CHIEF JUSTICE**

**HON'BLE MR. JUSTICE RAJESH BINDAL, JUDGE**

**ORDER**

01. A representation dated 1<sup>st</sup> March 2020 has been received from Dr. Zahoor Hussain Mir, resident of Budgam, Union Territory of Jammu and Kashmir, as a guardian of a student Heena Sugra Shabnum stated to be pursuing her higher studies in medicine at the Tehran University of Medical Sciences, Iran.

02. For expediency, this representation is extracted hereunder:

*“Honorable Chief Justice  
Jammu and Kashmir*

*Subject, Evacuation of students. Pilgrims. labourers from Iran*

*Respected Madam.*

*With humble submission, sympathetic approach and keen consideration on following few lines. that my niece who has lost her mother when she was studying in nursery is **persuading her higher studies in medicine at Tehran University of Medical Sciences** was supposed to return home on 26.02.2020 on vacation. **Due to sudden outbreak of COVID 19 in Iran as second epicenter in the world as all air traffic has been suspended from Iran towards other nations including India. It's once again brought to your kind notice that there are many pilgrims. labours, and students stranded in Iran. They are facing the shortage of masks,***

*medicines and other essential commodities due to mass closure/shutdown by government authorities. It's is requested that arrangements may he made to evacuate the stranded persons/students on priority as the infection is spreading very fast according to WHO (world health organization).*

*Thanking in anticipation*

*Thanking you*

*DATE: 01-03-2020*

*Dr. . Zahoor Hussain Mir.*

*Cell No:+91 9419021899,+91 9905751119*

*Guardian of student*

*Name :Heena Sugra shabnam.*

*(Teheran University of Medical Sciences)*

*7th semester Medicine (MBBS)Address: Shalina Budgam, J&K*

*Passport No: N8428587”*

03. Having regard to the submissions made in the representation and the seriousness of the issues regarding students from Jammu and Kashmir pointed out in the above representation dated 2<sup>nd</sup> March 2020, it was directed to be registered as writ petition in the public interest. It was so registered has been placed before this Court.

04. Before an order could be passed on the above representation, a further e-mail dated 2<sup>nd</sup> March 2020 has been received from Dr. Zahoor Hussain Mir placing the criticality of the circumstances of the Indian students stranded in Iran. This email states as follows:

*“With humble submission just few minutes ago I was able to access the internet and received a message from my daughter in Iran, that death toll is increasing incredibly with exhausting essential commodities including food, medicines, face masks are totally out of stock. Government of Iran has forced total shutdown of schools, universities, public gatherings even Friday prayers. W.H.O has requested precautions and preventive measures at same time infection is spreading at alarming rate. My request is to save the children studying in Iran as time is running out, they are losing hope as days are passing without any intervention by Ministry of External Affairs to evacuate the stranded students at the earliest as was done in case of students stranded in Wuhan, China.*

*Thanking in anticipation.  
Thanking you  
Dr Zahoor Hussain Mir  
R/ O Balhama  
P/O Pantha Chowk  
Pin 191101  
District Srinagar  
Cell no 9419021899 , 990675119 , 7006842060  
Name of Student Heena Sugra Shabnum  
7th Semester Medicine (MBBS)  
Tehran University of Medical Science's  
Tehran  
Islamic Republic of Iran  
  
Passport Number N 8428587”*

05. The above communications place the dire conditions of the Indian students who are studying in Iran stated to be from Jammu and Kashmir and seek immediate assistance of the authorities. The matter requires intervention of both the Center as well as authorities of both the Union Territories of Jammu and Kashmir and Ladakh.

06. We accordingly, direct that the following be arrayed as party respondents in the writ petition:

- i) Government of India through Secretary,  
Ministry of External Affairs,  
E-Block, Central Secretariat,  
New Delhi, 110001.*
- ii) Government of India through Secretary,  
Ministry of Health and Family Welfare,  
Nirman Bhawan,  
C-Wing,  
New Delhi, 110001.*
- iii) Government of India through Secretary,  
Ministry of Civil Aviation, Rajiv Gandhi Bhawan,  
Block B,  
Safdarjung Airport area,  
New Delhi, 110003.*
- iv) Union Territory of Jammu and Kashmir  
through Chief Secretary,*

*Civil Secretariat,  
Jammu, 180001.*

- v) *Union Territory of Ladakh through  
Chief Secretary,  
Administration of UT of Ladakh,  
Near Council Secretariat,  
Leh 194101.*
- vi) *Union Territory of Jammu and Kashmir  
through Commissioner/Secretary  
Health and Medical Education Department,  
Civil Secretariat, Jammu.*
- vii) *Union Territory of Ladakh,  
through the Commissioner/Secretary,  
Health and Medical Education Department,  
Government of UT of Ladakh,  
Near Council Secretariat,  
Leh 194101.*

The Registry shall draw up a memo of parties and place it on the file.

07. Issue notice to the aforesaid respondents.
08. The critical aspects pressed by Dr. Zahoor Hussain Mir in his above communications pertain to the Indian students from Jammu and Kashmir who stand stranded in Iran and are stated to be facing shortage of masks, medication and essential commodities due to the shut down imposed by the Iranian authorities.
09. At the same time, these students are seeking immediate evacuation in view of the prevalent conditions in the foreign country.
10. These emergency conditions stand created by the outbreak of the Novel Coronavirus Disease 2019 (COVID 19) and identification of Iran as the second epicenter in the world, steps for evacuation of the Indian Nationals including the children from the Union Territories of Jammu and Kashmir and Ladakh are required to be undertaken by the respondent nos. 1 and 3.
11. However pending evacuation, it is absolutely essential to ensure all preventive measures as well as basic requirements to the Indian students in Iran.

12. All the necessary and appropriate measures required for evacuation of the Indian students from Iran to India be initiated.

13. Furthermore, upon evacuation to India, these children who may have been exposed to the infection, would return to their homes in the Union Territories of Jammu and Kashmir and Ladakh.

14. Given the nature of the infection, it is essential to not only anticipate the need for identifying the persons with COVID 19 infections/persons who have been exposed to infection/persons who may be possible carriers of the virus but also to ensure appropriate and adequately equipped isolation and quarantine facilities, as well as make provisions for medication; equipment necessary for treatment; masks for the public and separation kits for medical experts and health workers.

15. In view of the above, it is imperative that steps are immediately taken to ensure creation of isolation/quarantine facilities in the Union Territories of Jammu and Kashmir as well as Ladakh. It is essential also to anticipate and ensure availability of preventive equipments/medications and facilities for treatment of the infection.

16. Apart from the Indian students in Iran, measures regarding the virus require to be undertaken for the general populace in the Union Territories of Jammu and Kashmir as well as Ladakh.

17. It is equally, if not more important, to equip, empower as well as protect medical and health experts, nursing and other paramedical and other personnel who would be coming into direct contact with infected persons.

18. Ignorance about the infection, its mode of spread, steps for prevention and treatment would create a general panic amongst the public.

19. Delays in acquisition of any item by Government agencies are proverbial. The above steps cannot wait arrival of the infection in the Union Territories of Jammu and Kashmir as well as Ladakh and must be initiated immediately and completed at the earliest.

Certainly steps in this regard have to be taken in anticipation.

20. It appears that the respondent no.2 has also formalized a Containment Plan-Novel Coronavirus Disease 2019 (COVID 19) and the directions stand issued to the State/District to prepare an event specific micro-plan and to implement the containment operations. Respondent nos. 4 to 7 are bound to take steps in terms of the mandate of this Containment Plan.

21. In view thereof we direct as follows:

- i) Respondent nos. 1 to 3 are therefore, required through the Indian Embassy in Tehran, Iran and their offices, to ensure availability of the required materials including masks, medication and essential commodities including food etc. to all Indians especially the students, who are stated to be stranded there.
- ii) Respondent nos. 1 to 3 to identify the protocol to be followed, examine the mode to forthwith implement the same and take steps for evacuation of the Indian students stranded in Iran.
- iii) Respondent nos. 4 to 7 are directed to identify and ensure creation of proper facilities for isolation and quarantine in the Government and private sector, testing laboratories as well as availability of the health care and medication in the Union Territories of Jammu and Kashmir and Ladakh for prevention of the COVID 19 disease and treatment of the persons infected/carrying the infection.

iv) Respondent nos. 4 to 7 to take immediate steps for acquisition of and to ensure availability in sufficient numbers and quantity of N-95 (or any other recommended) masks, for the public and separation kits for all medical personnel and staff.

v) Respondents nos. 4 to 7 shall also take immediate steps for spreading information regarding the nature of the COVID 19 infection; the manner of its spread; preventive measures and steps to be taken if an individual is infected.

vi) Respondent nos. 4 to 7 shall also inform this Court with regard to the steps taken in terms of the Containment Plan issued by respondent no.2.

vii) We appoint Ms. Monika Kohli, Advocates as *amicus curiae* in this matter.

22. Notice issued shall inform the respondents that a report with regard to the above be placed before this Court on or before the next date.

Copy of this order be sent to the respondents by email as well.

List on 12<sup>th</sup> March 2020.

**(RAJESH BINDAL)**  
**JUDGE**

**(GITA MITTAL)**  
**CHIEF JUSTICE**

Jammu  
03.03.2020  
Sunita