



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. ____ OF 2020

DISTRICT : MUMBAI

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)
)
)
)
).....PETITIONER

VERSUS

- 1. UNION OF INDIA,)
through its Secretary,)
Ministry of Health and Family Welfare)
Add : Income Tax Office, Mumbai.)
- 2. THE STATE OF MAHARASHTRA)
Through its Secretary,)
Ministry of Health and Social Welfare)
Mantralaya, Mumbai 400 032.)...RESPONDNETS

TO,

THE HON'BLE CHIEF JUSTICE AND THE OTHER PUSINE JUDGES
OF THE HIGH COURT OF JUDICATURE AT BOMBAY

THE HUMBLE PETITION OF THE
PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHEWTH :

1. PARTICULARS OF THE CAUSE/ ORDER AGAINST WHICH
PETITION IS MADE :

By This Public Interest Litigation Petitioner seeks suitable orders and directions of this Hon'ble Court for better protection and prevention form recent pandemic COVID-19/ NOVEL CORONA VIRUS spreading/multiplying thereby affecting large number of population across the Nation.

2. PARTICULARS OF PETITIONER :

The Petitioner is a Citizen of India and a permanent Resident of above mentioned address in clause title. The Petitioner is a Director of Law College and a social worker and actively involved in empowerment of socially and economically backward class of society. The Petitioner with the help of various social institutions has time to time spread awareness about the importance of education, health, cleanliness amongst the society. The Petitioner also organises free legal aid campaign to provide legal awareness in the society.

The Petitioner has also keen interest in the conservation of environment and for that purpose he has time to time has organised camps over these issues. The Petitioner not only advices tree plantation but with the help of other social workers practices the same by planting trees

over waste land and maintaining them so that their growth would be proper.

3. DECLARATIONS AND UNDERTAKINGS OF THE PETITIONER

:

3.1 That the present petition is being filed by way of public Interest litigation and the petitioner does not have any personal interest in the matter. The petition is being filed in the interest of general public. It is manifestly in the Public Interest that, the State Government's Officers be assisted in discharging their duties to prevent the COVID-19/NOVEL CORONA VIRUS from spreading and affecting large number of population in state.

3.2 That the entire litigation costs, including the Advocate's fee and other charges are being borne by the petitioner.

3.3 That a thorough research has been conducted in the matter raised through the petition.

3.4 That to the best of the Petitioner's knowledge and research, the issue raised was not dealt with or decided and that a similar or identical petition was not filed earlier by him.

3.5 That the petitioner have understood that in the course of hearing of this petition the Court may require any security to be furnished towards costs or any other charges and the petitioners shall have to comply with such requirements.

4. FACTS OF THE CASE :

4.1 The Petitioner states that, Petitioner is a responsible citizen of India and Director of Law College. The Petitioner states that, COVID-19/NOVEL CORONA VIRUS, which is wide spread in Wuhan Province of

China in December 2019. Lakhs of Chinese Population is affected by the epidemic and more than 4000 people have lost their lives and still affected more than one lakh people and are under treatment. The said virus has not been limited to China, but has spread in U.S.A, South Korea, Iran, Japan, Italy and other more than 100 countries across the globe.

4.2 The Petitioner states that, from recent news it is evident that, the said virus has been spreading in India and affecting large number of population. If no proper precaution is taken very scrupulously in India, It will affect large number of population in the country. Considering the high density of population in India as well as limited resources for tackling the pandemic it is likely to spread across the Nation with a very high rate.

4.3 The Petitioner further states that, according to the social media as well as news reports it is being reported that the mortality rate of the said infection is around 3 %, which is negligible as compared to SARS, Swine Flu and Ebola epidemics. But its infection is contagious in nature and is spreading more rapidly with contact of person to person, the WHO Director General Mr. Tedros Adhanom Ghebreyesus echoed that, the sentiment in declaring the outbreak the said infection as pandemic and stated that, “ We are deeply concerned both by the alarming levels of inaction”. It is to be noted that according to the recent statistics published on 13.03.2020 the website by Ministry of Health and Family Welfare, Government of India, regarding current status of pandemic across all states

in India shows that the infection is spreading at high rate across the Nation. The Copy of the chart published on 13.03.2020 on Respondent No. 2 Website is annexed hereto and marked as **EXHIBIT-“A”**.

4.4 The Petitioner states that, the US government has announced travel ban from Europe to US for 30 days for containing the rapidly spreading the said infection to population in US.

4.5 The Petitioner states that, Children, pregnant women and senior citizens are much likely to be affected by the infection.

4.6 The Petitioner further most respectfully states and submit that, the Epidemic Diseases Act, 1897 needs to be amended to suit the needs of current situations as the provision of the said act are insufficient to handle the present grave situations. The Copy of Epidemic Diseases Act, 1897 is annexed hereto and marked as **EXHIBIT-“B”**.

4.7 The Petitioner states that, the said act is Colonial Act of about more than 100 years old and now there need a mechanism which should decide and/or satisfy/itself that dangerous epidemic disease is visited/ threatened with, and outbreak in particular area and immediate action needs to be started so that, there should not be a lapse of time in taking measures to control such diseases. There needs some specific parameters given about exactly at what juncture the Government should take serious cognizance of epidemic diseases as a dangerous disease.

4.8 The Petitioner states that, there need a Epidemic Disease Control Board to take immediate actions and

steps to control and prevent from spreading the virus and other infections as it required.

4.9 The Petitioner states that, the present situation shows that, the Prime Minister of India and Chief Ministers of States are making appeal to the people to not to organise and gather publicly and avoid crowd and at the same time mandatory gatherings are going on in schools, colleges courts, government, semi-government and corporate offices and there need some mechanism who can decide as to what preventive actions should be taken by the Government to control the outbreak of dangerous diseases.

4.10 It is to be noted that, some states like Kerela and Karnataka have already declared holidays to the schools and colleges to avoid gathering. However, for no reason state government has yet not taken any serious preventive action.

5. SOURCE OF INFORMATION :

The source are the information available to public and also information received from Television news, news papers, official websites etc.

6. NATURE AND EXTENT OF INJURY APPREHENDED :

In these circumstances, the Petitioner submits that, they are entitled to the reliefs , interim, ad-interim and final prayed therein. The Petitioners submits that, unless the reliefs as prayed for are granted, grave and irreparable loss, harm, injury and prejudice will be caused to the Public at large. Though China was having strong and Hi-Tech and Effective system to prevent such Viruses i.e. COVID-19/NOVEL CORONA VIRUS still it has affected large number of people of China and crossing the borders of China it has

spread across the world and therefore it is posing a world wide threat and therefore it is declared as Pandemic. WHO has taken serious cognizance of it and yet the Government of India and Maharashtra State seems to be not so serious about the prevention of outbreak of CORONA VIRUS. On the other hand, if the reliefs sought are granted, no conceivable prejudice could be caused to the Respondents or the Public Interest. The Petitioners submits that the balance of convenience lies in favour of the Petitioner and public interest.

7. REPRESENTATION MADE :

Considering the seriousness of outbreak of CORONA VIRUS the Petitioner think that, wasting of time in making representations to authorities will not suffice the purpose.

8. DELAY IN FILING OF THE PETITION & EXPLAINATION THEREOF :

There is no delay on the part of the Petitioner.

9. DOCUMENTS RELED UPON :

9.1 Copy of the chart published on 13.03.2020 on Respondent No. 2 Website.

9.2 Copy of The Epidemic Diseases Act, 1897.

10. CAVEAT

That no notice has been received of lodging a caveat by the opposite party.

11. The Petitioners therefore submits that they are entitled, in the Public Interest to the reliefs more particularly set out below.

12. The Petitioners has not filed any other proceedings in this Hon'ble High Court or in the Hon'ble Supreme Court of India touching the subject matter except the present one.
13. The Petitioner crave leave to add, alter, amend or delete foregoing paras or grounds of this Petition as and when necessary.
14. In view of above circumstances the Petitioner most humbly prays for following Reliefs :
- a) For a Writ of mandamus, or a Writ in nature of mandamus, or any other appropriate writ, order or direction of this Hon'ble Court ordering and directing the State Government to forthwith amend the Epidemic Diseases Act, 1897 by inviting suggestions from various organizations and experts so as to make the act more effective to prevent the outbreak of dangerous diseases;
 - b) That this Hon'ble Court may be pleased to direct the Respondents to set up Epidemic Disease Control Board in order take immediate steps for prevention and spreading of epidemic diseases;

INTERIM RELIEFS PRAYED FOR :

- a) Pending hearing and final disposal of the Petition this Hon'ble Court may be pleased to direct the Respondents that, by issuing public notice to declare holidays to schools and colleges to avoid gathering of innocent students.
- b) Pending hearing and final disposal of the Petition this Hon'ble Court may be pleased to direct the subordinate Courts, Tribunals/Quasi-Judicial Authorities to adjourn the matters which are not of extreme urgency.

- c) Pending hearing and final disposal of the Petition this Hon'ble Court may be pleased to direct the Respondent that, by issuing public notice direct the Corporate/Private Companies to allow the employees to avail work from Home facilities etc.
- d) Pending hearing and final disposal of the Petition this Hon'ble Court may be pleased to direct the Respondents to adopt Hi-Tech mechanism at airports, ports to detect the affected persons at its initial stage itself so that, no affected person could enter in society and spread the infection any further.
- e) For such further and other reliefs as the nature and circumstances of the case may require.



DATED

MUMBAI

ADVOCATE FOR PETITIONER

VERIFICATION

I, SAGAR SHIVAJIRAO JONDHALE, Aged about : 42 years,
Occ : Social Worker, R/at : 101, Kuber Tower, AG Nagwekar road,
Prabhadevi, Mumbai-25. The Petitioner in the above said matter,
solemnly declare that whatever is stated in the foregoing para no. 1
to 12, are true to my own knowledge, information and belief and I
believe the same to be true and Para No. 13 and 14 are my humble
prayers to this Hon'ble Court , which are explained to me in my
vernacular language and are true and correct.

SOLEMNLY AFFIRMED AT BOMBAY

ON THIS ____ DAY OF MARCH, 2020



DEPONENT

SAGAR SHIVAJIRAO JONDHALE

EXPLAINED AND INTERPRETED BY ME :

ADVOCATE

IDENTIFIED BY ME :

CLERK

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. _____ OF 2020

DISTRICT : MUMBAI

SAGAR SHIVAJIRAO JONDHALE,) ...PETITIONER

VERSUS

UNION OF INDIA AND ANOTHER,) ...RESPONDENTS

AFFIDAVIT

I, SAGAR SHIVAJIRAO JONDHALE, Aged about : 42 years,
Occ : Social Worker, R/at : 101, Kuber Tower, AG Nagwekar road,
Prabhadevi, Mumbai-25. PAN NO. _____, AADHAR NO.
: _____ & Mob. No. _____ The Petitioner
in the above said matter, do hereby on solemn affirmation state and
declare that there is no personal gain , private motive or oblique
reason in filing the Public-Interest Litigation.

Hence, this Affidavit.

PLACE : MUMBAI

DEPONENT

IDENTIFIED BY ME : SAGAR SHIVAJIRAO JONDHALE

VERIFICATION

I, SAGAR SHIVAJIRAO JONDHALE, Aged about : 42 years, Occ :
Social Worker, R/at : 101, Kuber Tower, AG Nagwekar road,
Prabhadevi, Mumbai-25. PAN NO. _____, AADHAR NO.
: _____ & Mob. No. _____ in the above
said matter do hereby state on solemn affirmation on oath that

contents of above affidavit are to and correct to the best of our knowledge and belief.

HENCE, VERIFIED AT MUMBAI ON ____DAY OF MARCH , 2020.

IDENTIFIED BY :

ADVOCATE

DEPONENT

SAGAR SHIVAJIRAO JONDHALE



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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UNION OF INDIA AND ANOTHER,) ...RESPONDENTS

AFFIDAVIT

Under Rule 7(a) of the Bombay High Court, PIL Rules 2010

I, SAGAR SHIVAJIRAO JONDHALE, Aged about : 42 years, Occ :
Social Worker, R/at : 101, Kuber Tower, AG Nagwekar road,
Prabhadevi, Mumbai-25. PAN NO. _____ , AADHAR NO.
: _____ & Mob. No. _____ The Petitioner
in the above said matter do hereby on solemn affirmation state on
oath and declare that We undertake to pay costs as ordered by the
Hon'ble Court. If it is ultimately held that the Petition is frivolous,
or has been filed for extraneous consideration or that is lacs
bonafide .

HENCE, THIS AFFIDAVIT.

PLACE : MUMBAI

DEPONENT

IDENTIFIED BY ME :

SAGAR SHIVAJIRAO JONDHALE

VERIFICATION

I, SAGAR SHIVAJIRAO JONDHALE, Aged about : 42 years, Occ :
Social Worker, R/at : 101, Kuber Tower, AG Nagwekar road,
Prabhadevi, Mumbai-25. PAN NO. _____ , AADHAR NO.
: _____ & Mob. No. _____ in the above
said matter do hereby state on solemn affirmation on oath that
contents of above affidavit are to and correct to the best of our
knowledge and belief.

Hence, Verified at Mumbai on ____Day of March, 2020

IDENTIFIED BY :

ADVOCATE



DEPONENT

SAGAR SHIVAJIRAO JONDHALE

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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AFFIDAVIT

Under Rule 7(a) of the Bombay High Court, PIL Rules 2010

I, SAGAR SHIVAJIRAO JONDHALE, Aged about : 42 years,
Occ : Social Worker, R/at : 101, Kuber Tower, AG Nagwekar road,
Prabhadevi, Mumbai-25. PAN NO. _____ , AADHAR NO.
: _____ & Mob. No. _____ The Petitioner
in the above said matter, do hereby on solemn affirmation state on
oath and declare that I will disclose the source of my information
leading to the filing of the Public Interest Litigation if and when
called upon the court to do so .

HENCE, THIS AFFIDAVIT.

PLACE : MUMBAI

DEPONENT

IDENTIFIED BY ME :

SAGAR SHIVAJIRAO JONDHALE

VERIFICATION

I, SAGAR SHIVAJIRAO JONDHALE, Aged about : 42 years, Occ :
Social Worker, R/at : 101, Kuber Tower, AG Nagwekar road,
Prabhadevi, Mumbai-25. PAN NO. _____ , AADHAR NO.
: _____ & Mob. No. _____ in the above
said matter do hereby state on solemn affirmation on oath that
contents of above affidavit are to and correct to the best of our
knowledge and belief.

Hence, Verified at Mumbai on ____Day of January, 2018.

IDENTIFIED BY :

ADVOCATE



DEPONENT

SAGAR SHIVAJIRAO JONDHALE

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. ____ OF 2020

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SAGAR SHIVAJIRAO JONDHALE,) ...PETITIONER

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UNION OF INDIA AND ANOTHER,) ...RESPONDENTS

SYNOPSIS

By This Public Interest Litigation Petitioner seeks suitable orders and directions of this Hon'ble Court for better protection and prevention form recent pandemic COVID-19/ NOVEL CORONA VIRUS spreading/multiplying thereby affecting large number of population across the Nation.

I.	EVENTS IN CHRONOLOGICAL ORDER
DATES	EVENTS
	<p>The Petitioner states that, Petitioner is a responsible citizen of India and Director of Law College. The Petitioner states that, COVID-19/NOVEL CORONA VIRUS, which is wide spread in Wuhan Province of China in December 2019. Lakhs of Chinese Population is affected by the epidemic and more than 4000 people have lost their lives and still affected more than one lakh people and are under treatment. The said virus has not been limited to China, but has spread in U.S.A, South Korea, Iran, Japan, Italy and other more than 100 countries across the globe.</p> <p>The said virus has been spreading in India and affecting large number of population. If no proper precaution is taken very scrupulously in India, It will affect large number of population in the country. Considering the high density of population in India as well as limited resources for tackling the pandemic it is likely to spread across the Nation with a very high rate.</p> <p>According to the social media as well as news reports it is being reported that the mortality rate of the said infection is around 3 %, which is negligible as compared to SARS, Swine Flu and Ebola epidemics. But its infection is contagious in nature and is spreading more rapidly with contact of person to person, the WHO Director General Mr. Tedros Adhanom Ghebreyesus echoed that, the sentiment in declaring the outbreak the said infection as pandemic,</p> <p>It is to be noted that according to the recent statistics published on 13.03.2020 the website by Ministry of Health and Family Welfare, Government of India, regarding current status of pandemic across all states in India shows that the infection</p>

	<p>is spreading at high rate across the Nation.</p> <p>The Petitioner states that, Children, pregnant women and senior citizens are much likely to be affected by the infection.</p> <p>The Petitioner further most respectfully states and submit that, the Epidemic Diseases Act, 1897 needs to be amended to suit the needs of current situations as the provision of the said act are insufficient to handle the present grave situations.</p> <p>The Petitioner states that, there need a Epidemic Disease Control Board to take immediate actions and steps to control and prevent from spreading the virus and other infections as it required.</p> <p>The Petitioner states that, the present situation shows that, the Prime Minister of India and Chief Ministers of States are making appeal to the people to not to organise and gather publicly and avoid crowd and at the same time mandatory gatherings are going on in schools, colleges courts, government, semi-government and corporate offices and there need some mechanism who can decide as to what preventive actions should be taken by the Government to control the outbreak of dangerous diseases.</p> <p>It is to be noted that, some states like Kerela and Karnataka have already declared holidays to the schools and colleges to avoid gathering. However, for no reason state government has yet not taken any serious preventive action.</p> <p>HENCE THIS PETITON</p>
II	<p><u>POINTS TO BE URGED:</u> As avered in memo of Petition</p>
III.	<p><u>ACTS RELIED UPON:</u> a. Constitution of India b. The Epidemic Diseases Act, 1897.</p>
IV.	<p><u>AUTHORITIES TO BE CITED</u> At present Nil.</p>

MUMBAI

DATED

(MILIND DESHMUKH)
ADVOCATE FOR PETITONER

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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MUMBAI

DATED

ADV FOR PETITIONER

IN THE HIGH COURT OF JUDICATURE AT
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PUBLIC INTEREST LITIGATION NO. ____ OF
2020

DISTRICT : MUMBAI

Sagar Shivajirao Jondhale, ...PETITIONER

VERSUS

Union of India and Another.....RESPONDENTS



PUBLIC INTEREST LITIGATION

Mr.Milind Deshmukh,

Advocate High Court,

having office at Office No.12,

3rd floor, Machinery House,

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