

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**SUO MOTO PUBLIC INTEREST LITIGATION (ST.)  
NO.10541 OF 2020**

The Registrar (Judicial),  
High court of Bombay,  
Bench at Aurangabad,  
Aurangabad

..PETITIONER

VERSUS

The State Of Maharashtra & ors.

..RESPONDENTS

Mr Amol Joshi, Advocate (appointed as amicus curiae)  
Mr S. S. Dande, AGP for respondents

**CORAM : PRASANNA B. VARALE, J.  
DATE : 3rd April, 2020**

**ORAL ORDER:**

This Court leads to take cognizance of certain news items published in the newspapers. These news items are published in the newspaper 'Lokmat' in the supplement titled as 'Shahar Vishesh' at page 4 under the caption "मनपा शालेत कोंबले मजूर". The another news item published in the supplement 'Today' in newspaper, namely, 'Sakal' under the caption "मजुरांना अखेर सुविधा". Then there is another news item published in newspaper, namely 'The Times of India' under the caption "Some residents resist staff on Covid-19 screening duty". One more news item is there in newspaper 'Sakal' under the caption "घरच्यांनाही कळेना, आम्ही कुठे आहोत?". This news item refers to a group of 50-60 migrants, who are taking a shelter in an open ground in front of Regional Transport Office.

(2)

2. It is the common knowledge that in the Covid-19 pandemic, all the States of India are into the swing of action. It may not be necessary to refer to the various steps initiated by the Central Government with the assistance of the States. I am guided by the orders of the Honourable the Apex Court dated 31<sup>st</sup> March, 2020 in Writ Petition(s) (Civil) No.468 of 2020, order of High Court of Allahabad dated 8<sup>th</sup> March, 2020 in Public Interest Litigation No.533 of 2020 and order of this Court at Nagpur Bench on 23<sup>rd</sup> March, 2020 passed in Writ Petition No.3427 of 2000 and Public Interest Litigation No.10 of 2020.

3. The news items referred to above published in newspapers 'Lokmat', 'Sakal' and 'The Times of India' refer to detaining of certain labours, who were travelling from Pune and Ahmednagar to the State of Madhya Pradesh. This migration was on the backdrop of the lockdown declared in the country. The news items state that nearly 28 labours took a journey of approximately 200 kms on foot or by whatever means available for transport and they were detained. They were apprehended by the police machinaries. The news item then states that the labours were provided shelters in the Zilla Parishad School. The news items then refers to certain arrangements of the food for these labours through voluntary organization. The news item also refers to the service being provided through the disasters

(3)

management team set up at taluka level. The news item also refers to the difficulty being faced by the volunteers due to lack of facilities and communication.

4. This Court is aware of the extensive steps being taken by the District Administration, the Health Authorities as well as the local bodies, such as, Aurangabad Municipal Corporation, etc. This Court also appreciated the timely assistance being provided through the health workers in this difficult situation running the risk of their own lives.

5. It may not be out of place to refer to the observations of the Honourable the Apex Court in the order dated 31<sup>st</sup> March, 2020 and the same read thus:

“.....we are concerned about the migrant labourers who have started leaving their places of work for their home villages/towns located at distant places. For example, thousands of migrant labourers left Delhi to reach their homes in the States Uttar Pradesh and Bihar, by walking on the highways.

We are informed that the labourers who are unemployed due to lock down were apprehensive about their survival. Panic was created by some fake news that the lock down would last for more than three months.”

(4)

6. Considering the unfortunate situation being faced by these labours due to Covid-19 pandemic, this Court is of an opinion to take cognizance of the issue and to seek response from the respective authorities, such as, the District Administration, the police authorities and the Municipal Corporation, Aurangabad. Accordingly, this Court appoints Mr Amol Joshi, learned Counsel as an amicus curiae.

7. Mr Joshi, learned Counsel is permitted to file petition proper in this Court by 8<sup>th</sup> April, 2020.

8. In the meantime, issue notice to the State of Maharashtra through the Collector, District Aurangabad, the Dean, Government Medical College and Hospital, Aurangabad and the Commissioner of Aurangabad Municipal Corporation, returnable on 8<sup>th</sup> April, 2020.

9. Learned Asstt. Govt. Pleader waives service of notice for respondents/State.

10. The news item published in the newspaper 'The Times of India' under the caption "Some residents resist staff on Covid-19 screening duty" raises issue of serious concern. It needs no arithmetic precision to state that if the health workers are prevented from performing their duties, the same would result in a heavy price to be paid. Timely

(5)

measures and medical assistance is need of the hour. As such, by way of a suggestion, this Court may suggest that in this difficult time, let there be an attempt of bringing awareness through the independent bodies/organizations, who have earned a reputation by their valuable contribution to the society as well as by the respected figures in the society belonging to various sections of the society so as to make an appeal to public general to permit the health workers to take appropriate steps including conducting survey. Such attempt would only help the health authorities to find out the positive cases and in turn to take immediate steps to provide treatment to the patients so as to save the valuable life of the citizens and the countrymen.

11. At this stage, I must refer to a news item published in newspaper 'The Hindu' on the backdrop of the obstruction created to the health workers by pelting stones. The news states that the Indore district administration on Thursday invoked the National Security Act, 1980 against four accused persons for instigating residents of a locality to pelt stones and chase away health workers on Wednesday.

12. In my opinion, the applicability for invocation of the provisions of the National Security Act, 1980 would be an issue if raised before the competent judicial forum to decide, but if timely steps are taken, there may be no occasion for the administration to invoke such drastic

(6)

steps and if the exercise as suggested above by this Court is explored, the situation for invoking the drastic measures can be avoided.

13. One more issue needs attention of the administration and more particularly the law enforcing agency and i.e. an issue of circulation of a message on social media. The message refers to the non action of the Corporation authorities. It is stated in the message circulated on social media that the Corporation Health authorities were apprised of treatment being provided in a private clinic to certain foreign nationals. It is stated in the message that in spite of this fact made known to the health authorities of Corporation, no action is initiated by the Corporation and this inaction may lead to running a risk of spread of corona virus in the residential area of Aurangabad city. The law enforcing agency to verify the genuineness of the message firstly and if the law enforcing agency finds an element of truth in the message, immediate action be initiated by the law enforcing agency in co-ordination with the Municipal Corporation administration of Aurangabad.

14. The respondents – State authorities and Municipal Corporation authorities in their respective responses to be filed in this Court before the next date may state the steps if already initiated or the steps

(7)

proposed to be initiated along with the measures already taken in respect of health services.

15. It may not be out of place to state here that the Commissioner of Pune Division Mr Deepak Mhaisekar made a statement that necessary steps would be taken with the assistance of authorities of the Government Hospital, Pune, Accordingly, the Collector, Aurangabad and the Divisional Commissioner, Aurangabad may seek a feedback from Mr Deepak Mhaisekar, Divisional Commissioner, Pune and may take appropriate steps in co-ordination with him for Aurangabad city.

16. The initial fees and expenses payable to learned amicus curiae is quantified at Rs.5,000/-

Authenticated copy of this order be supplied to Mr Dande, learned Asstt. Govt. Pleader as well as to Mr Joshi, learned Counsel as an amicus curiae.

**(PRASANNA B. VARALE, J.)**

sjk