



smpilst10567.20

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

**SUO MOTO PUBLIC INTEREST LITIGATION (ST.) NO.10567  
OF 2020**

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

..PETITIONER

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr Satyajit Bora, Advocate appointed as amicus curiae for petitioner;  
Mr D.R. Kale, Govt. Pleader for respondent no.1 - State

**CORAM : PRASANNA B. VARALE, J.**

**DATE : 27<sup>th</sup> April, 2020**

**ORAL ORDER:**

By an order dated 20<sup>th</sup> April, 2020, this Court took cognizance of news item published in daily newspaper 'Lokmat', issued on 19<sup>th</sup> April, 2020 as well as an article published in e-newspaper, 'The Hindu' under caption "Maharashtra allows printing but bans distribution of newspapers".

2. Mr. Satyajit Bora, learned Counsel was appointed as an amicus curiae. Mr. Bora prepared a petition and submitted it in the Registry of this Court. Mr. Kale, learned Government pleader, in response to the notice and the order dated 20<sup>th</sup> April, 2020, filed reply on behalf of respondent No.3 i.e. State of Maharashtra through its Chief Secretary, General Administration Department, Mantralaya, Mumbai through Shri. U.G. Chaudhari, District Collector, Aurangabad.

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3. Mr. Bora, learned Amicus Curiae as well as Mr. Kale, learned Government Pleader brought to the notice of this Court that a petition is filed in the Nagpur Bench of this Court and the same is now posted on 15<sup>th</sup> June, 2020 for further consideration.

4. In order dated 20<sup>th</sup> April, 2020, this Court specifically observed thus :

“This Court is aware of the unforeseen situation being faced by the world in general i.e. the outbreak of COVID-19 pandemic in general and India in particular. It is also not in dispute that the Central Government and the State Government are taking various steps/measures to deal with the situation. ....”

5. This Court also observed in the order dated 20<sup>th</sup> April, 2020 thus :

“..... The State Government, having regard to the spread of coronavirus can certainly consider the issue of restricting door-to-door delivery of newspapers in particular areas. ....”

6. Mr. Kale, learned Government Pleader invited my attention to the order dated 21<sup>st</sup> April, 2020 placed on record by way of an annexure to the affidavit in reply i.e. R-1. It would be useful for our purposes to refer to the amendment to the order dated 18<sup>th</sup> April, 2020 and the same reads thus :

“B. Following amendments to the above referred number 2 dated 18<sup>th</sup> April, 2020 shall come into force with immediate effect.

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Para 1 shall read as follows, “print media is hereby exempted from the lockdown from 20<sup>th</sup> April, 2020. Wherever door to door delivery is done, it shall be with the knowledge of receiver and the delivery of newspaper personnel, shall bear mask and use hand sanitizer and maintain social distancing. However, even the extent of spread of COVID-19, door to door delivery of newspapers and magazines is prohibited in Mumbai Metropolitan Region (MMR), Pune Municipal Corporation (PMC) and in all containment zones as may be decided by the District Magistrates. In these areas, they may be sold through the establishments that are exempted under the Order dated 17.04.2020.”

7. Mr. Kale, learned Government Pleader made an attempt to provide some logic or reason for the amended order dated 18<sup>th</sup> April, 2020 with the aid of statement in para-9 of the affidavit in reply which reads thus :

“9. I say that according to the experts, COVID-19 virus can stay on various surfaces for a considerable amount of time and the newspaper is something that will be passed on by hand to hand by various people which can increases the chances of infection spreading to more number of people.....”

8. It seems that this is only a general and sweeping statement made in affidavit in reply. There is no reference to any comment of the experts in the field or any opinion formed by any body working in the health area. On the contrary, the statements of certain experts published in the newspapers are to the effect that there is no need to carry an impression that the newspaper is a medium for spreading of corona virus. In the affidavit in reply, there is a reference to the containment zones being created by the Statement Government where the spreading of infection is

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considerably high. At the cost of repetition, I may state that in order dated 20<sup>th</sup> April, 2020 this Court specifically observed that the State Government, having regard to the spread of coronavirus can certainly consider the issue of restricting door-to-door delivery of newspapers in particular areas and no reason or any data is coming forth to provide a logical explanation to the addendum order dated 18<sup>th</sup> April, 2020 whereby blanket ban was imposed on door to door delivery. It may not be out of place to state that certain news items are published in newspaper showing that in the lockdown period not only the readership of the newspapers is increased but the average time spent for reading newspapers is also increased in this period as the public general is interested to know latest updates and information through the newspapers. It may also not be out of place to state that the newspaper 'Lokmat' prints the statement which reads "वृत्तपत्र व्हायरस मुक्त आहे" means, newspaper is virus free.

9. On the backdrop of above referred facts, one fails to understand the logic behind the statement made in affidavit in reply in para-9 that the newspaper is something that will be passed on by hand to hand by various people which can increase the chances of infection spreading to more number of people.

10. Mr. Bora, learned Amicus Curiae submits before this Court that recently an order is passed by the Division Bench of Madras High Court. A petition was filed before the Madras High Court seeking directions to ban the newspapers distribution and this petition was dismissed. Mr. Bora, thus prays for an amendment to the petition so as to place on record a copy of the order of the Madras High Court as well as to raise certain grounds and accordingly, add the prayers in view of affidavit in reply filed on behalf of

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respondent No. 3. The oral prayer for amendment is allowed. The amendment be carried out within a period of two weeks from today. Learned Amicus Curiae undertakes to supply copy of amendment to learned Government Pleader.

11. Learned Amicus Curiae as well as learned Government Pleader submit that the copy of order dated 20<sup>th</sup> April, 2020 passed by Nagpur Bench of this Court would also be placed on record before this Court.

12. Learned Government Pleader also prays for some time to file an additional affidavit in reply. At the request of Government Pleader, three weeks time is granted to file additional affidavit in reply.

13. In case, learned Amicus Curiae is willing to file rejoinder to the additional affidavit in reply, the same be filed within one week post filing of the additional affidavit in reply on behalf of learned Government Pleader

14. The initial fees payable to the learned Amicus Curiae for preparation of the petition and presenting the same in this Court is quantified at Rs.5000/-.

Stand over to 11<sup>th</sup> June, 2020.

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

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