

IN THE HON'BLE HIGH COURT OF JUDICATURE OF UTTAR PRADESH , AT
ALLAHABAD

Civil Miscellaneous Writ Petition No. _____ (PIL) of 2020

Sanjay Sharma,

.....Petitioner

Versus

1. State of Uttar Pradesh , through Principal Secretary, Department of Food Safety and Drug Administration, Civil Secretariat, Lucknow 226001 .
2. Commissioner, Food Safety and Drug Administration, Civil Secretariat, Lucknow 226001.
3. Chief Secretary, State Government of Uttar Pradesh, Lok Bhawan, Vidhan Sabha Marg, Lucknow 226001.

.....Respondents

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

To,

Hon'ble The Chief Justice,

and his Other Hon'ble Companion Judges

Hon'ble High Court of Uttar Pradesh

Allahabad.

May it please your Lordships,

1. That the instant Petition (Public Interest Litigation) seeks to challenge the impugned Notification No. FSDA/Khadya/1246 Dated 06.05.2020, the State Government has permitted the Production, Distribution and Sale of Pan

Masala in the State of Uttar Pradesh, which goes against the spirit of the Standard Operating Protocols intended and circulated for the prevention of Covid-19 , imperiling the lives of scores of individuals who are vulnerable to the threat of Covid-19. A Copy of the impugned notification numbered FSDA/Khadya/1246 Dated 06.05.2020 issued under the signatures of the Commissioner Food Safety and Drug Administration is Annexed herewith as **Annexure No.1** to the instant Petition.

2. That it is submitted that no writ petition, application including review application etc. or any other proceedings arising from or related to relief sought in the instant matter has been filed by the petitioner, or is pending before this Hon'ble Court at Allahabad or Lucknow or any other Court. It is submitted that the petitioner has not received any notice, information or copy of any Caveat application by registered post or otherwise from any of the public functionary or from any other source.
3. The present petition is being filed *pro bono publico* by the petitioner who has no personal interest in the matter and the reliefs sought herein. There is no authoritative pronouncement by this Hon'ble court or the Hon'ble Supreme Court on the instant issue at hand.
4. That the credentials of the petitioner are that the petitioner herein is a veteran journalist, having put in more than 3 decades into the noble profession of journalism and has been making relentless efforts to sensitize the society at large, towards their rights as well as responsibilities. The petitioner has been a part of the electronic as well as print media, having served premier news agencies like Rashtrreey Sahara, ETv and Star News. For the last about 15 yeas, the petitioner is the Editor of a Weekly Newspaper-Weekend Times , published from Uttar Pradesh and Uttarakhand. For the last 5 years, the petitioner is also the Editor of the Leading news Daily Eveninger-4PM,

besides publishing a magazine for students preparing for competitions, titled "Naya Lakshya" .

5. That the petitioner's Youtube Channel titled "4PM News Network" has more than 67000 (Sixty seven thousand) followers. On account of his in-depth knowledge of various issues concerning Indian Politics, Governance and administration, the petitioner is invited as a panelist in a number of leading news and TV Channels including Lok Sabha TV, Rajyasabha TV, Doordarshan and dozens of leading news channels. It is also a matter of pride for the petitioner for having been nominated as a journalist member for coverage of ASEAN Countries at the time of India's becoming a part of the said group of countries in the year 1997 at Kuala Lumpur, Malaysia.
6. That the instant issue is with respect to a critical matter concerning the life and safety of scores of individuals which has been made vulnerable on account of the whimsical and cryptic order issued under your signatures. While the impugned order is manifestly unjust and deserves to be recalled and set aside immediately, its continuance, even for a single day, goes against the very spirit of the Covid-19 guidelines which have been issued under the provisions of **Epidemic Disease Act 1897** and the **Disaster Management Act 2005**.
7. That the petitioner, prior to submission of the instant representation , has gone through the relevant legislation, its interpretation, the Orders of the Hon'ble High Court referred in the impugned Order, and has also consulted a number of senior journalists, doctors, lawyers and men of repute, who echoed the same sentiments, and it is post a thorough research on the subject, being satisfied of the bonafides this issue raises that the representation is being moved before your good office.

8. That it is indeed a matter of common knowledge that the pandemic of Covid-19 spreads in many ways, and its **transmission by way of droplets** is very common, and it is also a matter of record that the lockdown, which has necessitated zero production of pan masala has contributed in containing the numbers of covid-19 patients all across the State. The Union Health Ministry has asked all states to prohibit the use and spitting of smokeless tobacco in public places to prevent the spread of the novel coronavirus. "Chewing smokeless tobacco products, pan masala and areca nut (supari) increases the production of saliva followed by a very strong urge to spit. Spitting in public places could enhance the spread of the COVID-19 virus" the ministry said in a letter to chief secretaries of all states and union territories. A Copy of the Newspaper Report Dated 02.05.2020 published in the Economic Times is Annexed herewith as **Annexure No.2** to the instant Petition.
9. That in the year 2016, the Ministry of Health and Family welfare came up with the publication of a Training Manual in for Community Health Workers , on **"Reducing Risk Factors for Non Communicable Diseases in Primary Care- Target for 2025"** in which, lamenting on the situation of the malaise of tobacco , it mentions - **"In India, tobacco kills 8-9 lakh people every year and tobacco smoke contains over 4000 harmful & poisonous chemicals. There are 3000 chemicals in one packet of gutka, pan masala, khaini (smokeless tobacco). The good news is that presently many states have banned the sale of gutka. But the sad news is that now people are being sold the pan masala and tobacco separately, which they mix and use"** . A copy of the relevant extract of the said publication is Annexed herewith as **Annexure No.3** to the instant Petition.
10. That in its report on the spread of Covid19 Virus, the **World Health Organization** has been constrained to quote that "Respiratory infections can be transmitted through droplets of different sizes: when the droplet particles

are >5-10 µm in diameter they are referred to as respiratory droplets, and when then are <5µm in diameter, they are referred to as droplet nuclei.¹ According to current evidence, COVID-19 virus is primarily transmitted between people through respiratory droplets and contact routes” , A Copy of the relevant report of the World Health Organization Dated 29th March 2020 is Annexed herewith as **Annexure No.4** to the instant Petition.

11. That it is further a matter of record that in view of the imminent threat of spread of corona by spitting as a result of consumption of pan masala , the Government of Uttar Pradesh had, on 25.03.2020, vide Order No. एफएसडीए /खाद्य /1122 **banned the manufacture, distribution and sale** of pan masala to prevent the spread of corona virus holding "**Spitting pan masala can help in spreading COVID-19**" as the justification of the issuance of the said order. The relevant portion of the said order reads as under:-

“कोविड 19 महामारी का संक्रमण एक व्यक्ति से दुसरे व्यक्ति में फैलता है जिसकी रोकथाम हेतु पूरे प्रदेश में दिनांक २५ मार्च २०२० को लॉक डाउन घोषित किया गया है। पान मसाला खा कर थूकने तथा पान मसाला का पाउच छोटा होने के कारण उसका उपयोग करने पर भी कोविड 19 महामारी का संक्रमण फैलने की संभावना को ध्यान में रखते हुए खाद्य सुरक्षा एवं मानक अधिनियम की धारा ३० (२)(क) में आयुक्त खाद्य सुरक्षा को प्रदान की गयी शक्तियों का प्रयोग करते हुए जनस्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर अग्रिम आदेशों तक तत्काल प्रभाव से प्रतिबन्ध लगाया जाता है।”

A Copy of the said Government Order Dated 25.03.2020 is Annexed herewith as **Annexure No.5** to the instant Petition.

12. Besides the threat of spreading Corona, as per the official records, about 75,000 individuals in Uttar Pradesh are suffering from the dreaded disease of oral and mouth cancer, mainly due to tobacco chewing and use of gutka and pan masala .

13. That the records being shared by the Ministry of Health and Family Welfare , Department of Health , Government of Uttar Pradesh keep raising concerns and alarms about the growing number of infected persons because of the pandemic, necessitating further lockdowns in the country and non functioning of the Hon'ble Courts all across the State as well. The Zoning of the Entire Country into three Zones, the issuance of the Orders by Ministry of Home, Government of India Dated 01.05.2020 and its reiteration by the State of Uttar Pradesh vide and order issued under the signatures of the Chief Secretary, Government of Uttar Pradesh Dated 03.05.2020 reiterate the concern about the use of pan masala and public spitting , which may spread the pandemic. A Copy of the relevant extract of the Government Order Dated 03.05.2020 issued by the Chief Secretary, Government of Uttar Pradesh is Annexed herewith as **Annexure No.6** to the instant Petition.

14. That it was indeed a matter of surprise and shock that the order Dated 25.03.2020 has been whimsically withdrawn by the Commissioner, Food Safety and Drug Administration , Government of Uttar Pradesh , by way of the impugned order Dated 06.05.2020 without any justification, stating that :-

“ खाद्य सुरक्षा एवं मानक अधिनियम की धारा ३० (२)(क) में प्रदत्त शक्तियों का प्रयोग करते हुए कार्यालय आदेश संख्या दिनांक २५ मार्च २०२० द्वारा प्रदेश में जनस्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर लगाए गए प्रतिबन्ध को तत्काल प्रभाव से समाप्त किया जाता है’

15. That the issuance of the said order is whimsical and patently unjust because it does not disclose any cogent reason for its withdrawal, and it is an ironical and wholly unjustified order because on the date when the earlier order dated 25.03.2020 banning pan masala was implemented, the number of Covid-19 infected patients in the State were 42, which have now risen to 3071 patients as on today, with 62 deaths owing to the said disease.

16. That the revocation of the order of 25.03.2020 , vide impugned order Dated 06.05.2020 is absolutely illegal and unwarranted, because it neither discloses the reasoning, nor the intent, nor the logic behind the revocation of the earlier order which was indeed issued in public interest, citing reasons therefor. It is not clear as to how the Commissioner, food safety and Drug Administration reached a conclusion that the pan masala would no more cause contamination, or whether the pan masala now become edible and need not to be spitted out. The situation is certainly scary and therefore, the issuance of the impugned order is certainly an illegal exercise of powers the officer concerned, imperiling the lives of scores of citizens of the State.
17. That looking into the worldwide trends, it is reasonably assumed by the experts that the pandemic has not even reached the peak in India and therefore any such whimsical act, indenting to earn revenue will prove to be counter productive and besides being a cause of increasing number of patients, also undermine the reputation of the State nationwide.
18. That it is pertinent to submit here that , **Article 47** of the Constitution of India casts a primary duty on the State to improve public health and specifically ***to prohibit consumption of items which are injurious to health*** except permitting use of drinks or intoxicating drugs for medicinal purposes. It is evident that consumption of pan masala, with or with or without tobacco is injurious to health, and speaking of the pandemic which has engulfed entire humankind, those who eat pan masala, would have to spit it out, and not swallow it, resulting in the contamination of surroundings by way of droplets, multiplying the disease, if consumed by an infected person.
19. That the relevant legislation in this field is the Food Safety and Standards Act 2006, which provides for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import,

to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto. **Section 30** of the said Act speaks of the powers of the Commissioner Food Safety and Standards to issue orders of prohibition, in the interest of public, which your good office did, while passing the order dated 25.03.2020 banning the sale of pan masala. The said Section reads as under:-

30. Commissioner of Food Safety of the State. (1) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made thereunder.

(2) The Commissioner of Food Safety shall perform all or any of the following functions, namely:-

(a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;

20. That it is submitted that the earlier order dated **25.03.2020** though issued in public interest, having duly mentioned the reason and public interest involved, the subsequent impugned order Dated **06.05.2020** is a post haste and cryptic order, which has been issued sans any public interest and the reason for withdrawing earlier order has not been mentioned in the impugned order which shows that he said order has been issued for extraneous considerations.

21. That it is submitted that amongst the latest trends in Covid-19 patients, majority of those being tested are asymptomatic, i.e. showing no symptoms of Covid-19 and they are the most contagious carriers of this life threatening infection. I am sure you would be able to imagine the havoc which your impugned order is going to play with the citizenry of the State which is still vulnerable to the spread of this epidemic.

22. That the petitioner, by way of the detailed representation to the Commissioner, Food Safety and Drug Administration, Government of Uttar Pradesh, Principal Secretary, Food Safety and Drug Administration, Government of Uttar Pradesh, Principal Secretary to Hon'ble Chief Minister, Government of Uttar Pradesh, and Chief Secretary, Government of Uttar Pradesh, requested their immediate intervention and action on the said illegality, but they have neither intervened nor have issued any direction towards the same and since the matter is highly urgent, impacting the lives of millions of my fellow citizens, any further delay in handling this issue will prove to be highly detrimental to public at large. A Copy of the said representation of the petitioner Dated 07/05.2020 is Annexed herewith as **Annexure No.7** to the instant petition.

23. That the action of the State Government in issuing the impugned order Dated 06.06.2020 as contained in Annexure No. 1 is arbitrary, illegal, irrational and unjust, which would, in any case, not withstand the litmus test of reasonableness.

24. That despite the issue being highly important and critical, the Opposite Parties are deliberately delaying the disposal of the bonafide representation mooted by the petitioner and therefore, the petitioner is constrained to file the instant Writ Petition in the nature of a PIL on the following amongst other.

GROUNDS

- a. Because the said order is manifestly unjust and deserves to be recalled and set aside immediately, its continuance, even for a single day, goes against the very spirit of the Covid-19 guidelines which have been issued under the provisions of Epidemic Disease Act 1897 and the Disaster Management Act 2005.
- b. Because it is indeed a matter of common knowledge that the pandemic of Covid-19 spreads in many ways, and its transmission by way of droplets is very common, and it is also a matter of record that the lockdown, which has necessitated zero production of pan masala has contributed in containing the numbers of covid-19 patients all across the State
- c. Because the Union Health Ministry has asked all states to prohibit the use and spitting of smokeless tobacco in public places to prevent the spread of the novel coronavirus. "Chewing smokeless tobacco products, pan masala and areca nut (supari) increases the production of saliva followed by a very strong urge to spit. Spitting in public places could enhance the spread of the COVID-19 virus"
- d. Because in the year 2016, the Ministry of Health and Family welfare came up with the publication of a Training Manual in for Community Health Workers , on "Reducing Risk Factors for Non Communicable Diseases in Primary Care- Target for 2025" in which, lamenting on the situation of the malaise of tobacco , it mentions - "In India, tobacco kills 8-9 lakh people every year and tobacco smoke contains over 4000 harmful & poisonous chemicals. There are 3000 chemicals in one packet of gutka, pan masala, khaini (smokeless tobacco). The good news is that presently many states have banned the sale of gutka. But the sad news is that now people are being sold the pan masala and tobacco separately, which they mix and use"

- e. Because in its report on the spread of Covid19 Virus, the World Health Organization has been constrained to quote that “Respiratory infections can be transmitted through droplets of different sizes: when the droplet particles are >5-10 µm in diameter they are referred to as respiratory droplets, and when they are <5µm in diameter, they are referred to as droplet nuclei.¹ According to current evidence, COVID-19 virus is primarily transmitted between people through respiratory droplets and contact routes”
- f. Because it is further a matter of record that in view of the imminent threat of spread of corona by spitting as a result of consumption of pan masala, the Government of Uttar Pradesh had, on 25.03.2020, vide Order No. Q,IMh, @kk @1122 banned the manufacture, distribution and sale of pan masala to prevent the spread of corona virus holding "Spitting pan masala can help in spreading COVID-19" as the justification of the issuance of the said order. The relevant portion of the said order reads as under:-

“कोविड 19 महामारी का संक्रमण एक व्यक्ति से दुसरे व्यक्ति में फैलता है जिसकी रोकथाम हेतु पूरे प्रदेश में दिनांक २५ मार्च २०२० को लॉक डाउन घोषित किया गया है। पान मसाला खा कर थूकने तथा पान मसाला का पाउच छोटा होने के कारण उसका उपयोग करने पर भी कोविड 19 महामारी का संक्रमण फैलने की संभावना को ध्यान में रखते हुए खाद्य सुरक्षा एवं मानक अधिनियम की धारा ३० (२)(क) में आयुक्त खाद्य सुरक्षा को प्रदान की गयी शक्तियों का प्रयोग करते हुए जनस्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर अग्रिम आदेशों तक तत्काल प्रभाव से प्रतिबन्ध लगाया जाता है।”

- g. Because besides the threat of spreading Corona, as per the official records, about 75,000 individuals in Uttar Pradesh are suffering from the dreaded disease of oral and mouth cancer, mainly due to tobacco chewing and use of gutka and pan masala .
- h. Because while the Zoning of the entire country into three Zones, Red, Orange and Green, the issuance of the Orders by Ministry of Home, Government of

India Dated 01.05.2020 and its reiteration by the State of Uttar Pradesh vide and order issued under the signatures of the Chief Secretary, Government of Uttar Pradesh Dated 03.05.2020 reiterate the concern about the use of pan masala and public spitting , which may spread the pandemic

Because it is indeed a matter of surprise and shock that the order Dated 25.03.2020 has been whimsically withdrawn by the Commissioner, Food Safety and Drug Administration , Government of Uttar Pradesh , by way of the impugned order Dated 06.05.2020 without any justification, stating that :-

“ खाद्य सुरक्षा एवं मानक अधिनियम की धारा ३० (२)(क) में प्रदत्त शक्तियों का प्रयोग करते हुए कार्यालय आदेश संख्या दिनांक २५ मार्च २०२० द्वारा प्रदेश में जनस्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर लगाए गए प्रतिबन्ध को तत्काल प्रभाव से समाप्त किया जाता है ”

- i. Because the issuance of the said order is whimsical and patently unjust because it does not disclose any cogent reason for its withdrawal, and it is an ironical and wholly unjustified order because on the date when the earlier order dated 25.03.2020 banning pan masala was implemented, the number of Covid-19 infected patients in the State were 42, which have now risen to 3071 patients as on today, with 62 deaths owing to the said disease indicating that the exercise is absolutely illegal and unwarranted.
- j. Because the revocation of the order of 25.03.2020 , vide impugned order Dated 06.05.2020 is absolutely illegal and unwarranted, because it neither discloses the reasoning, nor the intent, nor the logic behind the revocation of the earlier order which was indeed issued in public interest, citing reasons therefor.
- k. Because it is not clear as to how the Commissioner, food safety and Drug Administration reached a conclusion that the pan masala would no more cause contamination, or whether the pan masala now become edible and

need not to be spitted out. The situation is certainly scary and therefore, the issuance of the impugned order is certainly an illegal exercise of powers the officer concerned, imperiling the lives of scores of citizens of the State.

- l. Because looking into the worldwide trends, it is reasonably assumed by the experts that the pandemic has not even reached the peak in India and therefore any such whimsical act, indenting to earn revenue will prove to be counter productive and besides being a cause of increasing number of patients, also undermine the reputation of the State nationwide,
- m. Because Article 47 of the Constitution of India casts a primary duty on the State to improve public health and specifically *to prohibit consumption of items which are injurious to health* except permitting use of drinks or intoxicating drugs for medicinal purposes. It is evident that consumption of pan masala, with or with or without tobacco is injurious to health, and speaking of the pandemic which has engulfed entire humankind, those who eat pan masala, would have to spit it out, and not swallow it, resulting in the contamination of surroundings by way of droplets, multiplying the disease, if consumed by an infected person.
- n. Because the relevant legislation in this field is the Food Safety and Standards Act 2006, which provides for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto. Section 30 of the said Act speaks of the powers of the Commissioner Food Safety and Standards to issue orders of prohibition, in the interest of public, which your good office did, while passing the order dated 25.03.2020 banning the sale of pan masala. The said Section reads as under:-

30. Commissioner of Food Safety of the State. (1) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made thereunder.

(2) The Commissioner of Food Safety shall perform all or any of the following functions, namely:—

(a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;

o. Because the earlier order dated 25.03.2020 though issued in public interest, having duly mentioned the reason and public interest involved, the subsequent impugned order Dated 06.05.2020 is a post haste and cryptic order, which has been issued sans any public interest and the reason for withdrawing earlier order has not been mentioned in the impugned order which shows that the said order has been issued for extraneous considerations.

p. Because the action of the State is illogical irrational and arbitrary, and is a clear violation of the constitutional mandate as enshrined under Article 14 and 21 of the Indian Constitution.

q. Because the matter warrants intervention of this Hon'ble Court.

PRAYER

In view of what has been stated in the preceding paragraphs, the Hon'ble Court may be pleased to:-

1. Issue a Writ, Order of Direction in the nature of Certiorari , quashing the impugned order issued by the Commissioner, Food Safety and Drug Administration, as contained in Notification No. FSDA/Khadya/1246 Dated 06.05.2020 permitting the Production, Distribution and Sale of Pan Masala in the State of Uttar Pradesh, as contained in Annexure No. 1 to the instant Writ Petition.
2. Issue a Writ, Order or Direction , in the Nature of Mandamus, Directing the State Government of Uttar Pradesh not to proceed with the Production, Distribution and Sale of Pan Masala in furtherance of impugned order issued by the Commissioner, Food Safety and Drug Administration, as contained in Notification No. FSDA/Khadya/1246 Dated 06.05.2020.
3. Pass such other or further order as may be deemed necessary in the interest of Public at Large

Lucknow:

Dated: May 08, 2020.

(Sanjay Sharma)

Petitioner in Person

IN THE HON'BLE HIGH COURT OF JUDICATURE OF UTTAR PRADESH AT
ALLAHABAD

Civil Miscellaneous Writ Petition No. _____ (PIL) of 2020

Sanjay Sharma,

.....Petitioner

Versus

1. State of Uttar Pradesh , through Principal Secretary, Department of Food Safety and Drug Administration, Civil Secretariat, Lucknow 226001 .
2. Commissioner, Food Safety and Drug Administration, Civil Secretariat, Lucknow 226001.
3. Chief Secretary, State Government of Uttar Pradesh, Lok Bhawan, Vidhan Sabha Marg, Lucknow 226001.

AFFIDAVIT IN SUPPORT OF THE WRIT PETITION

I, **Sanjay Sharma,**

the deponent, do hereby

solemnly affirm and state on oath as under: -

1. That the deponent is the Petitioner in person in the above case and as such is well conversant with the facts of the matter.
2. That the averments contained in Paragraph **01 to 24** of the Writ Petition are true to my personal knowledge, and records.

3. The Annexure Nos. 1 to 7 are the true copies of their respective originals.

Lucknow:

May 08 , 2020.

DEPONENT

VERIFICATION

I, the above-named deponent, do hereby verify that the contents of paras 1 to 3 of this Affidavit are true to my personal knowledge and belief. No part of it is false and nothing material has been concealed. So, help me God.

Lucknow: Dated

May 08, 2020.

DEPONENT

कार्यालय आयुक्त, खाद्य सुरक्षा एवं औषधि प्रशासन, उ०प्र०
सेक्टर-सी, अलीगंज, लखनऊ।

पत्रांक-एफ०एस०डी०ए०/खाद्य/1246

दिनांक: ०6मई, 2020

आदेश

खाद्य सुरक्षा एवं मानक अधिनियम, 2006 की धारा-30(2)(क) में प्रदत्त शक्तियों का प्रयोग करते हुए, कार्यालय आदेश संख्या-एफ.एस.डी.ए/खाद्य/1122, दिनांक 25.03.2020 द्वारा प्रदेश में जन-स्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर लगाये गये प्रतिबन्ध को तत्काल प्रभाव से समाप्त किया जाता है, किन्तु जनहित याचिका संख्या-19126/2012 इण्डियन टेन्टल एसोसियेशन, यू.पी. व अन्य बनाम उ०प्र० राज्य व अन्य में मा० उच्च न्यायालय, इलाहाबाद द्वारा पारित आदेश दिनांक 17.09.2012 के अनुपालन में अधिसूचना संख्या-6288/एफ.एस.डी.ए/खाद्य/2012, दिनांक 04.10.2012 द्वारा खाद्य सुरक्षा एवं मानक (प्रतिषेध एवं निर्बन्धन) विनियम 2011 के विनियम 2.3.4 के प्रावधानों के अन्तर्गत दिनांक 01.04.2013 से प्रदेश में तम्बाकू एवं निकोटिनयुक्त पान मसाला/गुटका के निर्माण/मण्डारण/विक्रय पर लगाया गया प्रतिबन्ध यथावत् बना रहेगा।

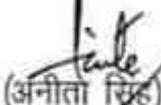
2- इस सम्बन्ध में कोविड-19 महामारी के रोकथाम के दृष्टिगत देशव्यापी लॉक डाउन के सम्बन्ध में गृह (गोपन) अनुभाग-3 के शासनादेश संख्या-381/2020/सीएक्स-3, दिनांक 03.05.2020 द्वारा निर्गत सामान्य निर्देशों का भी अनुपालन सुनिश्चित किया जायेगा।


(अनीता सिंह)
आयुक्त।

पत्रांक-एफ०एस०डी०ए०/खाद्य/1246 (1-11) तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- मुख्य सचिव, उ०प्र० शासन।
- 2- कृषि उत्पादन, आयुक्त, उ०प्र०।
- 3- औद्योगिक विकास आयुक्त, उ०प्र० लखनऊ।
- 4- अपर मुख्य सचिव, गृह विभाग, उ०प्र० शासन।
- 5- अपर मुख्य सचिव, सूचना विभाग, उ०प्र० शासन।
- 6- प्रमुख सचिव, चिकित्सा, स्वास्थ्य एवं परिवार कल्याण विभाग, उ०प्र० शासन।
- 7- प्रमुख सचिव, खाद्य सुरक्षा एवं औषधि प्रशासन विभाग, उ०प्र० शासन को पत्र संख्या-739/अद्वारसी-20-93खा०/14, दिनांक 06.05.2020 के सन्दर्भ में।
- 8- प्रमुख सचिव, औद्योगिक विकास विभाग, उ०प्र० शासन।
- 9- पुलिस महानिदेशक, उ०प्र० लखनऊ।
- 10- समस्त मण्डलायुक्त/जिलाधिकारी, उ०प्र०।
- 11- समस्त सहायक आयुक्त (खाद्य)/अभिहित अधिकारी/मुख्य खाद्य सुरक्षा अधिकारी/खाद्य सुरक्षा अधिकारी, उ०प्र०।


(अनीता सिंह)
आयुक्त।

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Market Watch

Covid-19 lockdown the perfect time to get rid of tobacco addiction, say oncologists; urge people to follow govt rules

BY PTI | MAY 02, 2020, 05:55 PM IST

Post a Comment

KOTA: The ban on the use of smokeless tobacco products during the ongoing lockdown to curb the spread of coronavirus is an opportunity for tobacco users to get rid of the harmful habit, say health experts.

"The ongoing lockdown and the non-availability of the tobacco products can be turned into an opportunity to free the tobacco addicts from the habit," said Dr R K Jain, senior oncologist at [Kota Medical College](#).

The Union Health Ministry had last month asked all states to prohibit the use and spitting of smokeless tobacco in public places to prevent the spread of the coronavirus.

"Chewing smokeless tobacco products, paan masala and areca nut (supari) increases the production of saliva followed by a very strong urge to spit. Spitting in public places could enhance the spread of the COVID-19 virus," the ministry had said in a letter to chief secretaries of all states and union territories.

Jain said the government's advisory on the tobacco products should be strictly enforced on the ground on the lines of the countries like Singapore and Malaysia and the violators should be heavily penalised.

"There is a widespread culture of chewing paan masala and other tobacco products. It is not only harmful to the health of a person, but the saliva generated by these products can also cause problems for others like it can lead to the spread of coronavirus infection if a person is COVID-19 positive," said Dr Amit Goyal, an oncologist at [All India Institute of Medical Sciences \(AIIMS\)](#), Jodhpur, and Voice of Tobacco Victims (VOTV) State patron.

He said it was the right time for the users of such products to get rid of them.

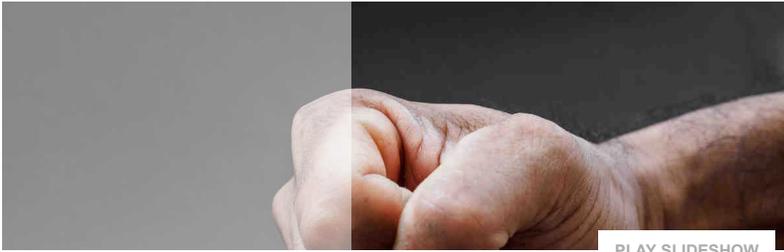
A total of 14.1% of all adults (aged 15+) use smokeless tobacco in Rajasthan, while 13.2% of all adults smoke tobacco, as per the Global Adult Tobacco Survey-2.



Avoid consuming smokeless tobacco products and spitting in public places.

Big Change:

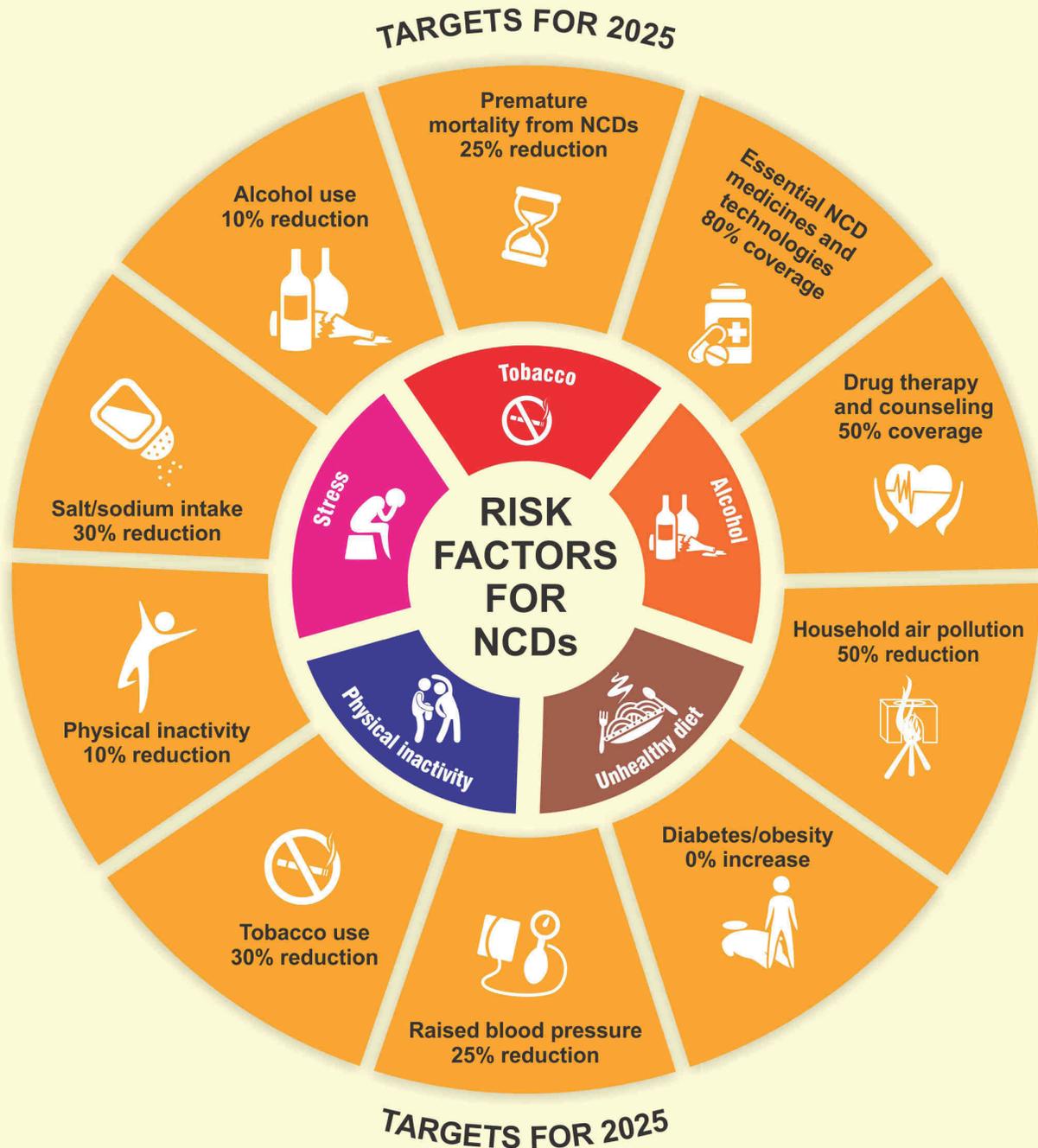
The end of Five-Year Plans: All you need to know



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REDUCING RISK FACTORS FOR NONCOMMUNICABLE DISEASES IN PRIMARY CARE



REDUCING RISK FACTORS FOR NON- COMMUNICABLE DISEASES (NCDs) IN PRIMARY CARE

TRAINING MANUAL FOR COMMUNITY HEALTH WORKERS

Developed by the
National Institute of Mental Health and Neuro Sciences, Bangalore
through the
World Health Organization-Government of India
Biennium Workplan
2016

Slide 21

TALK TO INDIVIDUALS AND THEIR FAMILIES

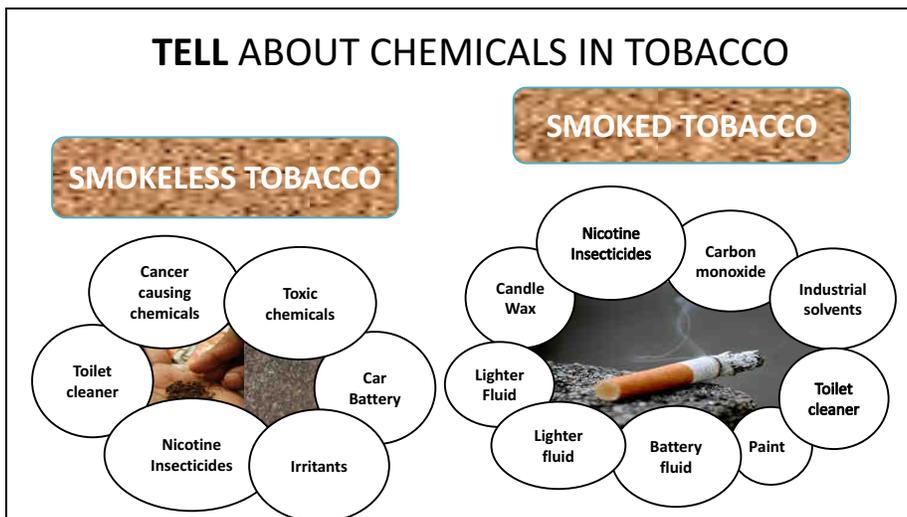


NOTE GOA

21

Community Health Workers play an important role because they meet both individuals and their families. They can thus provide effective messages and clarify wrong beliefs in the community.

Slide 22



In India, tobacco kills 8-9 lakh people every year and tobacco smoke contains over 4000 harmful & poisonous chemicals. There are 3000 chemicals in one packet of gutka, pan masala, khaini (smokeless tobacco). The good news is that presently many states have banned the sale of gutka. But the sad news is that now people are being sold the pan masala and tobacco separately, which they mix and use. Therefore, we understand the importance of making people understand why it is important to quit.



Modes of transmission of virus causing COVID-19: implications for IPC precaution recommendations

Scientific brief

29 March 2020

This version updates the 27 March publication by providing definitions of droplets by particle size and adding three relevant publications.

Modes of transmission of the COVID-19 virus

Respiratory infections can be transmitted through droplets of different sizes: when the droplet particles are $>5\text{-}10\ \mu\text{m}$ in diameter they are referred to as respiratory droplets, and when they are $<5\ \mu\text{m}$ in diameter, they are referred to as droplet nuclei.¹ According to current evidence, COVID-19 virus is primarily transmitted between people through respiratory droplets and contact routes.²⁻⁷ In an analysis of 75,465 COVID-19 cases in China, airborne transmission was not reported.⁸

Droplet transmission occurs when a person is in close contact (within 1 m) with someone who has respiratory symptoms (e.g., coughing or sneezing) and is therefore at risk of having his/her mucosae (mouth and nose) or conjunctiva (eyes) exposed to potentially infective respiratory droplets. Transmission may also occur through fomites in the immediate environment around the infected

person.⁸ Therefore, transmission of the COVID-19 virus can occur by direct contact with infected people and indirect contact with surfaces in the immediate environment or with objects used on the infected person (e.g., stethoscope or thermometer).

Airborne transmission is different from droplet transmission as it refers to the presence of microbes within droplet nuclei, which are generally considered to be particles <5µm in diameter, can remain in the air for long periods of time and be transmitted to others over distances greater than 1 m.

In the context of COVID-19, airborne transmission may be possible in specific circumstances and settings in which procedures or support treatments that generate aerosols are performed; i.e., endotracheal intubation, bronchoscopy, open suctioning, administration of nebulized treatment, manual ventilation before intubation, turning the patient to the prone position, disconnecting the patient from the ventilator, non-invasive positive-pressure ventilation, tracheostomy, and cardiopulmonary resuscitation.

There is some evidence that COVID-19 infection may lead to intestinal infection and be present in faeces. However, to date only one study has cultured the COVID-19 virus from a single stool specimen.⁹ There have been no reports of faecal–oral transmission of the COVID-19 virus to date.

Implications of recent findings of detection of COVID-19 virus from air sampling

To date, some scientific publications provide initial evidence on whether the COVID-19 virus can be detected in the air and thus, some news outlets have suggested that there has been airborne transmission. These initial findings need to be interpreted carefully.

A recent publication in the New England Journal of Medicine has evaluated virus persistence of the COVID-19 virus.¹⁰ In this experimental study, aerosols were generated using a three-jet Collison nebulizer and fed into a Goldberg drum under controlled laboratory conditions. This is a high-

powered machine that does not reflect normal human cough conditions. Further, the finding of COVID-19 virus in aerosol particles up to 3 hours does not reflect a clinical setting in which aerosol-generating procedures are performed—that is, this was an experimentally induced aerosol-generating procedure.

There are reports from settings where symptomatic COVID-19 patients have been admitted and in which no COVID-19 RNA was detected in air samples.¹¹⁻¹² WHO is aware of other studies which have evaluated the presence of COVID-19 RNA in air samples, but which are not yet published in peer-reviewed journals. It is important to note that the detection of RNA in environmental samples based on PCR-based assays is not indicative of viable virus that could be transmissible. Further studies are needed to determine whether it is possible to detect COVID-19 virus in air samples from patient rooms where no procedures or support treatments that generate aerosols are ongoing. As evidence emerges, it is important to know whether viable virus is found and what role it may play in transmission.

Conclusions

Based on the available evidence, including the recent publications mentioned above, WHO continues to recommend droplet and contact precautions for those people caring for COVID-19 patients. WHO continues to recommend airborne precautions for circumstances and settings in which aerosol generating procedures and support treatment are performed, according to risk assessment.¹³ These recommendations are consistent with other national and international guidelines, including those developed by the European Society of Intensive Care Medicine and Society of Critical Care Medicine¹⁴ and those currently used in Australia, Canada, and United Kingdom.¹⁵⁻¹⁷

At the same time, other countries and organizations, including the US Centers for Diseases Control and Prevention and the European Centre for Disease Prevention and Control, recommend airborne precautions for any situation involving the care of COVID-19 patients, and consider the use of medical masks as an acceptable option in case of shortages of respirators (N95, FFP2 or FFP3).¹⁸⁻

Current WHO recommendations emphasize the importance of rational and appropriate use of all PPE,²⁰ not only masks, which requires correct and rigorous behavior from health care workers, particularly in doffing procedures and hand hygiene practices.²¹ WHO also recommends staff training on these recommendations,²² as well as the adequate procurement and availability of the necessary PPE and other supplies and facilities. Finally, WHO continues to emphasize the utmost importance of frequent hand hygiene, respiratory etiquette, and environmental cleaning and disinfection, as well as the importance of maintaining physical distances and avoidance of close, unprotected contact with people with fever or respiratory symptoms.

WHO carefully monitors emerging evidence about this critical topic and will update this scientific brief as more information becomes available.

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16. Coronavirus disease (COVID-19): For health professionals.
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WHO continues to monitor the situation closely for any changes that may affect this interim guidance. Should any factors change, WHO will issue a further update. Otherwise, this scientific brief will expire 2 years after the date of publication.

WHO reference number: WHO/2019-nCoV/Sci_Brief/Transmission_modes/2020.2

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कार्यालय आयुक्त, खाद्य सुरक्षा एवं औषधि प्रशासन, उत्तर प्रदेश,
सेक्टर-सी, अलीगंज, लखनऊ

पत्रांक: एफ.एस.डी.ए./खाद्य/1122

लखनऊ दिनांक 25/3/2020

आदेश

कोविड-19 महामारी का संक्रमण एक व्यक्ति से दूसरे व्यक्ति में फैलता है जिसकी रोकथाम हेतु पूरे प्रदेश में दिनांक 25.03.2020 से लाकडाउन घोषित किया गया है। पान मसाला खा कर थूकने तथा पान मसाला का पाउच छोटा होने के कारण उसका उपयोग करने पर भी कोविड-19 महामारी का संक्रमण फैलाने की सम्भावना को ध्यान में रखते हुए खाद्य सुरक्षा एवं मानक अधिनियम की धारा 30(2) (क) में आयुक्त, खाद्य सुरक्षा को प्रदान की गयी शक्तियों का प्रयोग करते हुए जन स्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर अग्रिम आदेशों तक तत्काल प्रभाव से प्रतिबन्ध लगाया जाता है। उल्लेखनीय है कि प्रदेश में गुटके का विनिर्माण, भण्डारण, वितरण एवं विक्रय दिनांक 01.04.2013 से ही प्रतिबन्धित है।

गुटका/पान मसाले पर उक्त प्रतिबन्ध का उल्लंघन खाद्य सुरक्षा एवं मानक अधिनियम की धारा 16(2)(iv) का उल्लंघन होगा जो उक्त अधिनियम के अन्तर्गत दण्डनीय अपराध है एवं ऐसे प्रतिष्ठान जो इस आदेश का उल्लंघन करते पाये जाएंगे उनका लाइसेंस/पंजीकरण खाद्य सुरक्षा एवं मानक (खाद्य कारोबार का लाइसेंस एवं पंजीकरण) विनियम 2011 के विनियम 2.1.8(4) के अन्तर्गत तत्काल प्रभाव से निलम्बित किये जाने एवं प्रतिष्ठान बन्द कराये जाने की कार्यवाही की जाएगी।

Atly
25/3/2020
(मिनिस्ती एस.)
आयुक्त

पत्रांक: एफ.एस.डी.ए./खाद्य/

तद्दिनांकित।

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. मा0 मुख्य सचिव, उ0प्र0, शासन।
2. मा0 कृषि उत्पादन आयुक्त, उ0प्र0।
3. अपर मुख्य सचिव, गृह, उ0प्र0, शासन।
4. राज्य औद्योगिक आयुक्त, उ0प्र0।
5. प्रमुख सचिव, स्वास्थ्य एवं परिवार कल्याण, उ0प्र0, शासन।
6. प्रमुख सचिव, खाद्य सुरक्षा एवं औषधि प्रशासन, उ0प्र0, शासन।
7. पुलिस महानिदेशक, उ0प्र0।
8. समस्त मण्डलायुक्त, उत्तर प्रदेश।
9. समस्त जिलाधिकारी, उत्तर प्रदेश।
10. समस्त अभिहित अधिकारी, उत्तर प्रदेश।
11. समस्त मुख्य खाद्य सुरक्षा अधिकारी एवं खाद्य सुरक्षा अधिकारी, उत्तर प्रदेश।

Atly
(मिनिस्ती एस.)
आयुक्त

कार्यालय आयुक्त, खाद्य सुरक्षा एवं औषधि प्रशासन, उत्तर प्रदेश,
सेक्टर-सी, अलीगंज, लखनऊ

पत्रांक: एफ.एस.डी.ए./खाद्य/

लखनऊ दिनांक 25/03/2020

आदेश

कोविड-19 महामारी का संक्रमण एक व्यक्ति से दूसरे व्यक्ति में फैलता है जिसकी रोकथाम हेतु पूरे प्रदेश में दिनांक 25.03.2020 से लाकडाउन घोषित किया गया है। पान मसाला खा कर थूकने तथा पान मसाला का पाउच छोटा होने के कारण उसका उपयोग करने पर भी कोविड-19 महामारी का संक्रमण फैलने की सम्भावना को ध्यान में रखते हुए खाद्य सुरक्षा एवं मानक अधिनियम की धारा 30(2) (क) में आयुक्त, खाद्य सुरक्षा को प्रदान की गयी शक्तियों का प्रयोग करते हुए जन स्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर अग्रिम आदेशों तक तत्काल प्रभाव से प्रतिबन्ध लगाया जाता है। उल्लेखनीय है कि प्रदेश में गुटके का विनिर्माण, भण्डारण, वितरण एवं विक्रय दिनांक 01.04.2013 से ही प्रतिबन्धित है।

गुटका/पान मसाले पर उक्त प्रतिबन्ध का उल्लंघन खाद्य सुरक्षा एवं मानक अधिनियम की धारा 16(2)(IV) का उल्लंघन होगा जो उक्त अधिनियम के अन्तर्गत दण्डनीय अपराध है एवं ऐसे प्रतिष्ठान जो इस आदेश का उल्लंघन करते पाये जाएंगे उनका लाइसेंस/पंजीकरण खाद्य सुरक्षा एवं मानक (खाद्य कारोबार का लाइसेंस एवं पंजीकरण) विनियम 2011 के विनियम 2.1.8(4) के अन्तर्गत तत्काल प्रभाव से निलम्बित किये जाने एवं प्रतिष्ठान बन्द कराये जाने की कार्यवाही की जाएगी।

(मिनिस्ती एस.)
आयुक्त

पत्रांक: एफ.एस.डी.ए./खाद्य/1122(1-11)

तददिनांकित।

प्रतिलिपि- निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. मा0 मुख्य सचिव, उ0प्र0, शासन।
2. मा0 कृषि उत्पादन आयुक्त, उ0प्र0।
3. अपर मुख्य सचिव, गृह, उ0प्र0, शासन।
4. राज्य औद्योगिक आयुक्त, उ0प्र0।
5. प्रमुख सचिव, स्वास्थ्य एवं परिवार कल्याण, उ0प्र0, शासन।
6. प्रमुख सचिव, खाद्य सुरक्षा एवं औषधि प्रशासन, उ0प्र0, शासन।
7. पुलिस महानिदेशक, उ0प्र0।
8. समस्त मण्डलायुक्त, उत्तर प्रदेश।
9. समस्त जिलाधिकारी, उत्तर प्रदेश।
10. समस्त अभिहित अधिकारी, उत्तर प्रदेश।
11. समस्त मुख्य खाद्य सुरक्षा अधिकारी एवं खाद्य सुरक्षा अधिकारी, उत्तर प्रदेश।

25/3/2020
(मिनिस्ती एस.)
आयुक्त

प्रेषक,

राजेन्द्र कुमार तिवारी,
मुख्य सचिव,
उ०प्र० शासन।

सेवा में,

समस्त मण्डलायुक्त,
समस्त पुलिस महानिरीक्षक/पुलिस उप महानिरीक्षक रेंज
पुलिस आयुक्त, लखनऊ/नोयडा
समस्त जिलाधिकारी/वरिष्ठ पुलिस अधीक्षक/पुलिस अधीक्षक

गृह(गोपन) अनुभाग-3

दिनांक: 03 मई, 2020

विषय: गृह मंत्रालय, भारत सरकार के आदेश संख्या 40-3/2020-डीएम-1 (ए) दिनांक 01 मई, 2020 कोविड-19 महामारी के रोकथाम के सम्बन्ध में देशव्यापी लॉक डाउन दिनांक 04.05.2020 से दो सप्ताह तक प्रभावी रहने हेतु दिशा-निर्देश।

महोदय,

गृह मंत्रालय, भारत सरकार के आदेश संख्या 40-3/2020-डीएम-1 (ए) दिनांक 01 मई, 2020 कोविड-19 महामारी के रोकथाम के सम्बन्ध में देशव्यापी लॉक डाउन दिनांक 04.05.2020 से दो सप्ताह तक प्रभावी रहने हेतु दिशा-निर्देश निर्गत किए गए हैं।

2. उपरोक्त के क्रम में मुझे यह कहने का निदेश हुआ है कि गृह (गोपन) अनुभाग-3 के आदेश संख्या 264/2020/सीएक्स-3 दिनांक 16 अप्रैल, 2020 को जारी निर्देशों को यथा संशोधित करते हुए भारत सरकार द्वारा जारी निर्देश दिनांक 01 मई, 2020 के क्रम में उक्त दिशा निर्देशों को उत्तर प्रदेश के सन्दर्भ में निम्नलिखित प्रावधानों के साथ लागू किया जाए:-

1. नई गाइडलाइन्स 04 मई, 2020 से दो सप्ताह के लिए प्रभाव में रहेगी और जनपदों को रेड (हॉटस्पॉट), ग्रीन और ऑरेंज जोन में चिन्हित किया जाएगा।
2. रेड (हॉटस्पॉट), ग्रीन एवं ऑरेंज जोन का निर्धारण:-
 - (i) जनपदों को रिस्क प्रोफाइल के आधार पर उपर्युक्त तीन जोन निम्नानुसार होंगे।
 - (a) ग्रीन जोन: ग्रीन जोन को निम्नानुसार परिभाषित किया गया है:-

ऐसे जनपद जिनमें आज तक कोई भी पुष्ट(confirmed) केस नहीं है अथवा ऐसे जनपद जहाँ पिछले 21 दिनों में कोई भी पुष्ट(confirmed) केस नहीं है।



- iv. समस्त उपकरण और लिफ्ट।
- v. वाशरूम, टॉयलेट सिंक, वॉटर पॉइंट आदि।
- vi. समस्त दीवारें/अन्य सतहें

2- रेड तथा ऑरेंज जोन में 50 से अधिक श्रमिकों वाले प्रतिष्ठानों में बाहर से आने वाले कर्मियों/श्रमिकों के लिए सार्वजनिक परिवहन प्रणाली पर किसी प्रकार की निर्भरता के बिना विशेष परिवहन की सुविधा की व्यवस्था की जाएगी। इन वाहनों को केवल 50 प्रतिशत यात्री क्षमता के साथ संचालित करने की अनुमति दी जानी चाहिए।

3- परिसर में प्रवेश करने वाले सभी वाहनों और मशीनरी पर कीटाणुनाशक स्प्रे के माध्यम से अनिवार्य रूप से विसंक्रमित किया जाना चाहिए।

4- कार्यस्थल पर प्रवेश करने और बाहर निकलने के लिए थर्मल स्केनिंग अनिवार्य होगी।

5- कर्मियों/श्रमिकों के लिए चिकित्सा बीमा अनिवार्य किया जाएगा।

6- हाथ धोने और सैनेटाइजर के लिए व्यवस्था की जाएगी, जो स्पर्श मुक्त तंत्र को वरीयता के साथ सभी प्रवेश और निकासी बिन्दुओं और सामान्य क्षेत्रों में उपलब्ध कराया जाएगा। सभी वस्तुओं की पर्याप्त मात्रा में उपलब्धता सुनिश्चित की जाएगी।

7- कार्यस्थलों में दो पारियों (shifts) के बीच एक घंटे का अन्तर होगा और सामाजिक दूरी को सुनिश्चित करने के लिए कर्मचारियों द्वारा दोपहर के भोजन को पृथक एवं निलम्बित रूप से किया जाएगा।

8- 10 या अधिक प्रतिभागियों की बड़ी सभाओं या बैठकों को हतोत्साहित किया जाएगा। कार्य स्थलों एवं सभाओं, बैठकों और प्रशिक्षण सत्रों में सम्बंधित व्यक्ति एक-दूसरे से कम से कम 6 फीट की दूरी पर बैठेंगे।

9- दो या चार से अधिक व्यक्तियों (लिफ्ट के आकार के आधार पर) को लिफ्टों के उपयोग की अनुमति नहीं होगी।

10- सीढ़ी के उपयोग को प्रोत्साहित किया जाना चाहिए।

11- गुटखा, तम्बाकू आदि पर सख्त प्रतिबंध होना चाहिए और थूकना पूरी तरह से प्रतिबंधित होना चाहिए।

12- कार्य स्थलों पर गैर आवश्यक आगंतुकों पर सम्पूर्ण प्रतिबंध होना चाहिए।

MOST URGENT/IMPORTANT

By Speed Post, Email and Whatsapp.

To,

**The Commissioner,
Food Safety and Drug Administration,
State Government of Uttar Pradesh,
Civil Secretariat, Lucknow.**

Sub: Representation against Notification No. FSDA/Khadya/1246 Dated 06.05.2020 permitting the Production, Distribution and Sale of Pan Masala in the State of Uttar Pradesh.

Respected Madam,

Kindly take reference of the above mentioned subject, whereby, by way of the impugned Notification No. FSDA/Khadya/1246 Dated 06.05.2020, the State Government has permitted the Production, Distribution and Sale of Pan Masala in the State of Uttar Pradesh, which goes against the spirit of the Standard Operating Protocols intended and circulated for the prevention of Covid-19 , imperiling the lives of scores of individuals who are vulnerable to the threat of Covid-19.

The credentials of the applicant are that the applicant herein is a veteran journalist, having put in more than 3 decades into the noble profession of journalism and has been making relentless efforts to sensitize the society at large, towards their rights as well as responsibilities. The applicant has been a part of the electronic as well as print media, having served premier news agencies like Rashtrreey Sahara, ETv and Star News. For the last about 15 years, the applicant is the Editor of a Weekly Newspaper-Weekend Times , published from Uttar Pradesh and Uttarakhand. For the last 5 years, the applicant is also the Editor of the Leading news Daily Eveninger-4PM, besides publishing a magazine for students preparing for competitions, titled "Naya Lakshya" .

The applicant's Youtube Channel titled "4PM News Network" has more than 67000 (Sixty seven thousand) followers. On account of his in-depth knowledge of various issues concerning Indian Politics, Governance and administration, the applicant is invited as a panelist in a number of leading news and TV Channels including Lok Sabha TV, Rajyasabha TV, Doordarshan and dozens of leading news channels. It is also a matter of pride for the applicant for having been nominated as a journalist member for coverage of ASEAN Countries at the time of India's becoming a part of the said group of countries in the year 1997 at Kuala Lumpur, Malaysia.

The instant issue is with respect to a critical matter concerning the life and safety of scores of individuals which has been made vulnerable on account of the whimsical and cryptic order issued under your signatures. While the said order is manifestly unjust and deserves to be recalled and set aside immediately, its continuance, even for a single day, goes against the very spirit of the Covid-19 guidelines which have been issued under the provisions of Epidemic Disease Act 1897 and the Disaster Management Act 2005.

The applicant, prior to submission of the instant representation , has gone through the relevant legislation, its interpretation, the Orders of the Hon'ble High Court referred in the impugned Order, and has

also consulted a number of senior journalists, doctors, lawyers and men of repute, who echoed the same sentiments, and it is post a thorough research on the subject, being satisfied of the bonafides this issue raises that the representation is being moved before your good office.

It is indeed a matter of common knowledge that the pandemic of Covid-19 spreads in many ways, and its **transmission by way of droplets** is very common, and it is also a matter of record that the lockdown, which has necessitated zero production of pan masala has contributed in containing the numbers of covid-19 patients all across the State. The Union Health Ministry has asked all states to prohibit the use and spitting of smokeless tobacco in public places to prevent the spread of the novel coronavirus. "Chewing smokeless tobacco products, pan masala and areca nut (supari) increases the production of saliva followed by a very strong urge to spit. Spitting in public places could enhance the spread of the COVID-19 virus," the ministry said in a letter to chief secretaries of all states and union territories.

In its report on the spread of Covid19 Virus, the **World Health Organization** has been constrained to quote that "Respiratory infections can be transmitted through droplets of different sizes: when the droplet particles are >5-10 µm in diameter they are referred to as respiratory droplets, and when then are <5µm in diameter, they are referred to as droplet nuclei.¹ According to current evidence, COVID-19 virus is primarily transmitted between people through respiratory droplets and contact routes"

It is further a matter of record that in view of the imminent threat of spread of corona by spitting as a result of consumption of pan masala , the Government of Uttar Pradesh had, on 25.03.2020, vide Order No. एफएसडीए / खाद्य / 1122 **banned the manufacture, distribution and sale** of pan masala to prevent the spread of corona virus holding "**Spitting pan masala can help in spreading COVID-19**" as the justification of the issuance of the said order. The relevant portion of the said order reads as under:-

"कोविड 19 महामारी का संक्रमण एक व्यक्ति से दुसरे व्यक्ति में फैलता है जिसकी रोकथाम हेतु पूरे प्रदेश में दिनांक २५ मार्च २०२० को लॉक डाउन घोषित किया गया है। पान मसाला खा कर थूकने तथा पान मसाला का पाउच छोटा होने के कारण उसका उपयोग करने पर भी कोविड 19 महामारी का संक्रमण फैलने की संभावना को ध्यान में रखते हुए खाद्य सुरक्षा एवं मानक अधिनियम की धारा ३० (२)(क) में आयुक्त खाद्य सुरक्षा को प्रदान की गयी शक्तियों का प्रयोग करते हुए जनस्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर अग्रिम आदेशों तक तत्काल प्रभाव से प्रतिबन्ध लगाया जाता है।"

Besides the threat of spreading Corona, as per the official records, about 75,000 individuals in Uttar Pradesh are suffering from the dreaded disease of oral and mouth cancer, mainly due to tobacco chewing and use of gutka and pan masala .

The records being shared by the Ministry of Health and Family Welfare , Department of Health , Government of Uttar Pradesh keep raising concerns and alarms about the growing number of infected persons because of the pandemic, necessitating further lockdowns in the country and non functioning of the Hon'ble Courts all across the State as well. The Zoning of the Entire Country into three Zones, the issuance of the Orders by Ministry of Home, Government of India Dated 01.05.2020 and its reiteration by the State of Uttar Pradesh vide and order issued under the signatures of the Chief Secretary, Government of Uttar Pradesh Dated 03.05.2020 reiterate the concern about the use of pan masala and public spitting , which may spread the pandemic.

It is indeed a matter of surprise and shock that the order Dated 25.03.2020 has been whimsically withdrawn by you, by way of the impugned order Dated 06.05.2020 without any justification, stating that

“ खाद्य सुरक्षा एवं मानक अधिनियम की धारा ३० (२)(क) में प्रदत्त शक्तियों का प्रयोग करते हुए कार्यालय आदेश संख्या दिनांक २५ मार्च २०२० द्वारा प्रदेश में जनस्वास्थ्य के दृष्टिगत पान मसाला के विनिर्माण, वितरण एवं विक्रय पर लगाए गए प्रतिबन्ध को तत्काल प्रभाव से समाप्त किया जाता है ”

The issuance of the said order is whimsical and patently unjust because it does not disclose any cogent reason for its withdrawal, and it is an ironical and wholly unjustified order because on the date when the earlier order dated 25.03.2020 banning pan masala was implemented, the number of Covid-19 infected patients in the State were 42, which have now risen to 2859 patients as on today, with 53 deaths owing to the said disease. Has your good office reached a conclusion that the pan masala would no more cause contamination? Or has the pan masala now become edible and not to be spitted out? The situation is certainly scary and therefore, the issuance of the impugned order is certainly an illegal exercise of powers by your good office, imperiling the lives of scores of citizens of the State.

Looking into the worldwide trends, it is reasonably assumed by the experts that the pandemic has not even reached the peak in India and therefore any such whimsical act, indenting to earn revenue will prove to be counter productive and besides being a cause of increasing number of patients, also undermine the reputation of the State nationwide.

Legally speaking, **Article 47** of the Constitution of India casts a primary duty on the State to improve public health and specifically ***to prohibit consumption of items which are injurious to health*** except permitting use of drinks or intoxicating drugs for medicinal purposes. It is nobody's case that consumption of pan masala, with or with or without tobacco is injurious to health, and speaking of the pandemic which has engulfed entire humankind, those who eat pan masala, would have to spit it out, and not swallow it, resulting in the contamination of surroundings by way of droplets, multiplying the disease, if consumed by an infected person.

The relevant legislation in this field is the Food Safety and Standards Act 2006, which provides for laying down science based standards for articles of food and to regulate their manufacture, storage, distribution, sale and import, to ensure availability of safe and wholesome food for human consumption and for matters connected therewith or incidental thereto. **Section 30** of the said Act speaks of the powers of the Commissioner Food Safety and Standards to issue orders of prohibition, in the interest of public, which your good office did, while passing the order dated 25.03.2020 banning the sale of pan masala. The said Section reads as under:-

30. Commissioner of Food Safety of the State. (1) The State Government shall appoint the Commissioner of Food Safety for the State for efficient implementation of food safety and standards and other requirements laid down under this Act and the rules and regulations made thereunder.

(2) The Commissioner of Food Safety shall perform all or any of the following functions, namely:-

(a) prohibit in the interest of public health, the manufacture, storage, distribution or sale of any article of food, either in the whole of the State or any area or part thereof for such period, not exceeding one year, as may be specified in the order notified in this behalf in the Official Gazette;

It is submitted that the earlier order dated **25.03.2020** though issued in public interest, having duly mentioned the reason and public interest involved, the present order Dated **06.05.2020** is a post haste and cryptic order, which has been issued sans any public interest and the reason for withdrawing earlier order has not been mentioned in the impugned order which shows that he said order has been issued for extraneous considerations.

Your kindself would be well aware of the fact that amongst the latest trends in Covid-19 patients, majority of those being tested are asymptomatic, i.e. showing no symptoms of Covid-19 and they are the most contagious carriers of this life threatening infection. I am sure you would be able to imagine the havoc which your impugned order is going to play with the citizenry of the State which is still vulnerable to the spread of this epidemic.

In view of what has been said above, I request your very kindself to kindly **reconsider and withdraw the cryptic, illegal and whimsical order issued Notification No. FSDA/Khadya/1246 Dated 06.05.2020 permitting the Production, Distribution and Sale of Pan Masala in the State of Uttar Pradesh in the interest of the people of the State of Uttar Pradesh without any further delay**, sparing me the agony of seeking a judicial redressal of this pertinent issue by seeking judicial review of this illegal administrative action of yours, imperiling the lives of my fellow citizens by filing a Public Interest Litigation before the Hon'ble High Court at your risks, costs and consequences throughout.

With kind regards,

Dated : 07.05.2020

Yours faithfully,



(Sanjay Sharma)
5/600, Vikas Khand
Gomti Nagar, Lucknow
Mobile No. 9807900000

Copy forwarded for issuance of necessary directions to:

1. Chief Secretary , State Government of Uttar Pradesh , Lok Bhawan, Vidhan Sabha Marg, Lucknow.
2. Principal Secretary to Hon'ble Chief Minister, Government of Uttar Pradesh , Lok Bhawan, Vidhan Sabha Marg, Lucknow.
3. Principal Secretary Health, Government of Uttar Pradesh , Civil Secretariat, Lucknow.
4. Principal Secretary, Food Safety and Drug Administration, State Government of Uttar Pradesh Civil Secretariat, Lucknow