

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/WRIT PETITION (PIL) NO. 42 of 2020**

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SUO MOTU

Versus

STATE OF GUJARAT & 2 other(s)

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Appearance:

SUO MOTU(25) for the Applicant(s) No. 1

for the Opponent(s) No. 1,2,3

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CORAM: **HONOURABLE MR.JUSTICE J.B.PARDIWALA**  
and  
**HONOURABLE MR. JUSTICE ILESH J. VORA**

**Date : 11/05/2020**

**ORAL ORDER**

**(PER : HONOURABLE MR.JUSTICE J.B.PARDIWALA)**

1 We take notice of the very first order that came to be passed dated 13<sup>th</sup> March 2020 by a Division Bench headed by the Honourable the Chief Justice. The order reads thus:

*“In the wake of the Pandemic of Corona Virus (COVID- 19), let suo motu Public Interest Litigation be registered giving title of Precautionary Measures In The Wake Of The Pandemic of Corona Virus (COVID-19).*

*Let the following be impleaded as party-respondents:-*

- (i) State of Gujarat through Chief Secretary, Gandhinagar.*
- (ii) Principal Secretary, Department of Medical Health and Family Welfare, Government of Gujarat, Gandhinagar.*
- (iii) Principal Secretary, Legal Department, Government of Gujarat, Gandhinagar.*

*Notices be issued to all the respondents.*

*Notice need not be issued as learned Advocate General along with Ms. Nisha Thakore, Ms. Krina Calla, Ms. Vrunda Shah and Mr. J.K. Shah, learned Assistant Government Pleaders are present. Copy of the order be served in the office of Advocate General, Government Pleader and office of Gujarat High Court Advocates' Association.*

*We are conscious of the fact that not only the Central Government but also the State Governments including the State of Gujarat are taking precautionary measures to control and check the spread and treatment of Corona Virus (COVID-19). However, in order to further strengthen the hands of the Government and also to keep a check and control of the said Virus being spread further in the judicial setup of the State, we have registered this Public Interest Litigation suo motu and issue further directions as follows:*

- (1) The Advisory issued by the Ministry of Health & Family Welfare, Government of India and the Government of Gujarat on the above Pandemic be strictly adhered to and followed in letter and spirit.*
- (2) In addition to the above, we direct the Government of Gujarat:*
  - (i) to provide temperature guns at the security check to check the temperature of entrants in the Court premises;*
  - (ii) In case any person is found to be having temperature above normal, then, to take necessary steps for further investigation forthwith;*
  - (iii) to take necessary steps for sanitizing the Court building and premises on daily basis by using appropriate formulations.*
- (3) Following directions are issued to the members of the Bar Association, members of the Registry, staff of the High Court and all other stakeholders to take following precautions:*
  - i. Public gatherings may be avoided unless unavoidable.*
  - ii. Counsels may discourage litigants from attending Courts.*
  - iii. Absence of parties appearing in person may not entail any adverse orders.*
  - iv. All precautionary measures as advised by the Government may be taken.*
  - v. Handshake greetings may be avoided and greetings may be with folded hands only.*

(4) *The above directions contained at Sr.No.(3) to be equally applied to all the subordinate courts in the State of Gujarat.*

*Let the respondents file an affidavit within a week with regard to the status of the above directions and also apprise the Court of the details of the persons affected by the Corona Virus (COVID-19) in the State of Gujarat and the steps taken by the Government with regard to their treatment.*

*Let this matter be listed on 20<sup>th</sup> March, 2020 on the top of the Board.*

*Registry to send copy of this order to all concerned including print and digital media today itself by fax, email, WhatsApp or by special messenger.*

2 “The Ahmedabad Mirror” dated 11<sup>th</sup> May 2020 (a publication of the Times of India) as well as the Indian Express dated 11<sup>th</sup> March 2020 has published few news items, which are very disturbing, painful and heartbreaking. We have thought fit to take *suo motu* cognizance of the following news item published in “The Ahmedabad Mirror” dated 11<sup>th</sup> May 2020. We take cognizance of the first news item titled as under:

***“Caught in the Covid-19 crossfire***

***In pain? Grin and bear because cops won't let you met your doc***

***With the police getting stricter in ensuring that people do not step out of their houses during the lockdown, patients with genuine ailments are suffering as they are at the receiving end”***

3 It appears that on account of complete lockdown, which has been declared by the State Government, people at large are finding it extremely difficult to avail the necessary medical services. If a particular person is tested COVID-19 positive, then he can get himself

admitted in the Civil Hospital or any private hospitals as authorised by the State Government. However, people with other ailments requiring immediate medical treatment are finding it extremely hard and difficult to reach upto a particular hospital or avail medical facilities. This is what has been highlighted in the news item. This is something very serious and needs immediate attention. If a person has any other ailment and is in need of medical treatment, then he cannot be asked to remain himself locked in his house. Necessary arrangement should be made in such circumstances to ensure that the ailing person is able to reach to a particular hospital or a clinic and seek immediate medical treatment. Some modalities in this regard needs to be worked out at the earliest. Otherwise, some case may prove to be fatal and that would be the most unfortunate thing that can happen with the family.

4 We also take *suo motu* cognizance of the news item reported today in Ahmedabad Mornor titled as ***“Give us food or kill us Now”, more than 200 people – daily wagers and their families – who have been living on footpaths near Ellisbridge say they haven't had a morsel to eat for the past four days, volunteers used to bring there food, but since total lockdown, even that has stopped, they say”***.

5 It appears that people at large are hungry. People are without any food or shelter. It seems that it is the outcome of complete lockdown. Whatever little help the poor people used to receive from the NGOs, other charitable institutions and volunteers, have come to a grinding halt. It has been reported that more than two hundred people living on the footpaths near the Ellisbridge have not had a morsel of food for the past four days. It is reported that the volunteers used to bring them food, but since the complete lockdown even that has stopped. In such circumstances, it is the paramount duty of the State Authorities to

ensure that its citizen do not go hungry. Necessary arrangements need to be made for the distribution of food packets all over the city of Ahmedabad, areas on the outskirts and also other parts of the State of Gujarat. The situation seems to be going out of control. Although the State Government is doing its best to combat the situation, yet we find that something is wrong somewhere. It appears that there is no proper coordination amongst various departments of the State Government. What is most essential as of now is a more humane approach or touch.

6 “The Indian Express” has published a news item titled as **“Migrant workers made to wait for 19 hours in Gujarat to board train to UP”**. It appears that the migrant workers are suffering the most. They are desperate to go back to their homes i.e. to their native States across the country. We appreciate the efforts of the State authorities which are being made to transport the migrant workers to their respective States by way of Trains, Buses, etc. However, it seems that before they are able to board the Train or a Bus they have to suffer like anything for hours together in this scorching heat of almost 45 degrees. The State Authorities should come forward with some modalities or plans to smoothen and ease the process so that the migrant workers may not have to wait for hours and hours together before they are able to board the trains or bus.

7 We also take notice of the news item published in the Indian Express dated 11<sup>th</sup> May 2020 titled as **“Stop migrant workers walking home, take them to shelters: DGP”**. It appears from the news item that the Director General of Police State of Gujarat has asked the police to stop any worker seen walking and take them to the nearest shelter home. We would like to no how many shelters homes are functional as on date across the State of Gujarat and at which places. The shelter

home should also provide for food and water, more particularly, having regard to the scorching heat. Everyday hundreds of migrant workers with small children are to be seen at different parts of the State more particularly on the highways. Their condition is pathetic. As on date, they are living in the most inhumane and horrendous conditions. As we have observed earlier, although all the necessary steps are being taken by the State Government, yet we are of the view that few more modalities need to be worked out at the earliest to ease the suffering of the people at large.

8 The State Government should keep in mind that they are at present dealing with the most downtrodden, under privileged and weaker sections of the society. They are all afraid. They are not afraid of COVID-19, but they are afraid that they would die due to starvation. In such circumstances, it becomes the paramount duty of the State Government to assure and repose confidence in the downtrodden class of people that they will be taken care of in the best possible manner. It is hightime for the State Government to deal with this delicate situation very carefully and instill confidence in the minds of the people at large that they will be taken care of.

9 In the aforesaid circumstances, we are compelled to take *suo motu* cognizance and seek the response of the State Government at the earliest. We request Mr. Kamal Trivedi, the learned Advocate General and Ms. Manisha Lavkumar Shah, the learned Government Pleader to immediately discuss all the aforesaid issues with the highest authorities of the State Government and revert to us with some concrete plans to take care of the problems faced by the people at large as on date.

10 We would not like to interfere with the day-to-day functioning of

the State Government in this regard, but, at the same time, we should ensure that that the situation does not go from very bad to worst. In such circumstances, the judiciary will have to intervene.

11 We take notice of the fact that the State Government has entrusted the exclusive charge to Shri Dr. Rajeev Gupta, Additional Chief Secretary, Forest and Environment to combat with the situation prevailing in the entire city of Ahmedabad and the areas situated on the outskirts. We are sure that with the special skills Dr. Gupta possesses, the rich experience gained over a period of years as an I.A.S. officer and with all the ability at his command the situation in the city of Ahmedabad will soon be normal. We would like to convey a message to the people at large that do not lose heart. Everything that Has a Beginning Has an End. NOVEL COVID-19 is not immortal. We all need to stand united and fight. People with resources should stand besides the frail, aged, needy and poor. Trust in the Almighty.

12 Let **Notice** be issued to the State Government of this order passed today making it returnable on **14<sup>th</sup> May 2020**. The Registry is directed to furnish one copy each of this order to the learned Advocate General and to the learned Government Pleader at the earliest. The matter shall be listed before this Court on 14<sup>th</sup> May 2020.

**(J. B. PARDIWALA, J)**

**(ILESH J. VORA, J)**

CHANDRESH