

ACTIONS AGAINST GUILTY RESPONDENTS OR THEIR OFFICIALS, IF ANY.

TO,

THE HON'BLE CHIEF JUSTICE AND HIS HON'BLE COMPANION JUDGES OF THE DELHI HIGH COURT.

THE HUMBLE PETITION OF THE PETITIONER ABOVE NAMED:

IT IS MOST RESPECTFULLY SHOWETH AS UNDER:

1. That the petitioner has no personal interest in the litigation and that the present petition is not guided by self-gain or for gain of any other person/institution /body and that there is no motive other than of public interest in filing the present writ petition.
2. That the petitioner has acquired the knowledge of 'Guidelines for quarantine Facilities Covid 19', issued by Competent authorities and also of Act dealing with the disaster management and pandemic through various modes including officially issued documents, Acts, electronic and print Media etc, and she has knowledge of invoked Articles of constitution of India as well. The petitioner herself compared the plight of peoples presently lying under detention in the name of being quarantined in the light of relevant provisions of laws and

guidelines and also Articles of Constitution of India. She had also been approached by some of the people who are presently put under quarantine but their period of quarantine has increased many times than the prescribed. The petitioner, thereupon, has come to the conclusion that the persons presently lodged in Quarantine Centers and have completed their term of 14 days, should immediately be released and responsible guilty officers and govt. be punished as per law of the land.

3. That the present petition has been filed for the benefit of down trodden, poor and less privileged section of society, those who can not knock the door of the Hon'ble court, and for those who are presently under quarantine and therefore, can not approach the Hon'ble Court themselves. The petitioner being social activist/worker has been working for upliftment of society and of downtrodden. She has restlessly been working for providing food and medical support to public at large in need.
4. That the orders sought for in the present Writ Petition shall affect the Ministry of Health, Ministry of Revenue, SDM, DM and office of Chief Minister of delhi, therefore, they have been

impleaded as the Respondents. To the Knowledge of the Petitioner no other persons/bodies/ institutions are likely to be affected by the orders sought in the present writ petition. The petitioner feels that the intentions of concerned respondents are malafide and ultra-vires to the Constitution of India and also the Guidelines for quarantine Facilities Covid-19, and to the principles of Natural justice and violative of fundamental rights of citizens of India and directive principles of Constitution of India, therefore, the petitioner feels that no other remedy is left now except to approach this Hon'ble Court.

5. That the petitioner is a citizen of India and is therefore, entitled to invoke extraordinary writ jurisdiction of this Hon'ble Court for enforcing constitutional and legal rights of citizens of India in the larger interest of Public at large. The petitioner is a Social Worker and is also actively engaged in helping various NGOs working for the upliftment of society and for strengthening this great Country. The petitioner has also been rendering assistance to State by way of filing various representations at various levels in order to ensure smooth functioning of the government as well as to ensure justice to the public at large.

The petitioner is a Graduate and possess the degree of Bachelor of Arts and had also worked as a teacher in Hamdard Public School Daisy dales senior secondary School and is a Senior National Football Player. She has also worked with Mother Teresa Society and looked after welfare and upbringing of abundant children. The petitioner has means to pay the costs, if any, imposed by the Hon'ble Court and undertakes to pay the same, if any cost is being imposed by the Hon'ble Court.

6. That since the Govt. of Delhi and other Respondents have already violated the impugned guidelines and many people have been illegally and malafidely lodged in quarantine centers as if they are being punished for any crime and their illegal detentions is being continuously increasing every day and even every minute, therefore, it clearly appears that the Govt. would not have considered the representations, if any would have been made by the Petitioner. Though applications were submitted with various authorities by some of the peoples those who are quarantined, and some of the persons shared copies thereof to the petitioner also, however, till date no action has been taken so far, and hence, the present petition is being filed without

filing any representation to the Govt. by the petitioner, as the petitions have already been filed by many persons, and some of the copies are being filed with the petition as well, as **Annexure P-1**, alongwith its translation Collectively.

7. That the Petitioner has never filed any PIL before any court of law or before this Hon'ble court or Before Hon'ble supreme Court of India.
8. That the present petition is being preferred by the petitioner, in the larger interest of justice and to uphold the rule of law and to remind the Statutory and Constitutional bodies with regard to their primary and important duties and responsibilities for and on behalf of public at large particularly those who have been adversely affected on account of unilateral, arbitrary, illegally and unwarranted acts of the Respondents.
9. That the petitioner is constrained to file the present petition since the Delhi Govt, SDM and DM have failed to discharge their duties and to comply with their own guidelines as well as of Govt of India as regards quarantine. In fact, the Govt and its officials are so careless and negligent that they have not been paying any heed to just and legitimate demands of persons

under quarantine. The approach of the Govt and its concerned officials is malafide, arbitrary, malicious and ill-motivated and can not be allowed to sustain in a society govern by Rule of law. The inhuman acts of government and responsible respondents have made the life of thousands of people, presently locked up in quarantine centers, impossible to be endured.

10. That on 30.04.2020, the petitioner has received a whatsapp message alongwith a copy of a letter sent to Lg. NCT of Delhi on her mobile from one Ibraheem, who presently is locked up in sulatanpuri Quarantine center since 31.03.2020. In the said letter it was mentioned by the sender that they are held up in sulatanpuri Quarantine center and despite expiry of 30 days and 3 consecutive negative tests reports, they have not been released from the center and that as and when they ask the SDM as to why they are not being released, then the SDM asks them to speak to DM and when they approaches the DM, The DM used to reply that he is waiting for the order from higher authorities.

11. That on being receiving of the said letter, the petitioner herself made enquiries on telephone from the Sultanpuri Center and

also persons those who are held up in the Centre, to utter Shock and surprise of the petitioner, the contents of the aforementioned letter were found to be correct.

12. That the petitioner once again on 04.05.2020 received yet another letter on her whatsapp, written by sh. Mehmood Ali to LG, NCT of Delhi, who presently has spent more than 37 days in the quarantine center. The perusal of the said letter reveals more stunning revelations as to how they are being treated in the Centre and as to how the police officials have been threatening, insulting, harassing, humiliating and browbeating them. A copy of the letter written by sh. Mehmood Ali alongwith true translation is enclosed as Annexure P-2 colly.

13. That the Petitioner hereby place reliance to Guidelines for Home quarantine, issued by Govt Of India Ministry of health and family welfare, Directorate General of Health Services (EMR Division) wherein it has been provided that “ detection of a travel related/unrelated suspect of novel Corona virus Disease (Covid-19) will be followed by a rapid isolation of such cases in designated health facilities and line listing of all contacts of such cases. Home Quarantine is applicable to all such contacts

of a suspect or confirmed case of Covid 19.” The object of framing these guidelines has been mentioned as “ the epidemiological link may have occurred with a 14 day period before the onset of illness in the case under consideration. A copy of instant guidelines is hereby annexed as Annexure P-3

14. That it is respectfully submitted that under the guidelines for quarantine facilities Covid -19 , quarantine has been defined as that the same is a separation and restriction of movement or activities of persons who are not ill but who are believed to have been exposed to infection, for the purpose of preventing transmission of disease. Persons are usually quarantined in their homes, but they may also be quarantined in community based facilities and that the Quarantine can be applied to an individual or group of persons who are exposed at a large public gathering or to persons believed exposed on a conveyance during international travel and that the recommended duration of quarantine for Covid 19 based on available information is upto 14 days from the time of exposure and that the purpose of quarantine during the current outbreak is to reduce

transmission. Copy of guidelines for Quarantine facilities covid 19 are Annexed herewith as Annexure P-4

15. That it is respectfully submitted that keeping in view aforesaid guidelines that Quarantine can be applied to an individual or group of persons who are exposed at a large public gathering, Delhi Govt on 31st March 2020, quarantined many members of Tablighi Jamaat directly from Markaz Hazrat Nizamuddin to different quarantine centers of Delhi, though, they(members of tablighi Jamat) could have been quarantined at their homes as well, however, the Govt of delhi in its own wisdom chose to quarantine the members of tablighi jamaat in community based quarantine centers situated at different places of delhi. Some of the members of tablighi Jamat were sent to those centers at a later date, after detaining them from various Mosque, as they were completing their appointed term of jamat, in different mosque. It is worthwhile to mention that people who volunteers to be part of jamat, they are sent by markaz situated at Nizamuddin to different mosque and they while living in mosque, work for wiping out social and religious evils prevalent among muslims. In this many many persons of tablighi Jamat

were sent to different centers. A list is hereby mentioned as follows: (i) Jogabai 209 peoples, (ii) Badarpur 157 (111) Dwarka Sector 9, 144 People, (iv) Chattarpur 70, (v) Wazeerabad 144, (vi) Mata Sundari Road 190, (vii) Madawali 360, (viii) Kacchi khazoori 82, (ix) Saket 67, (x) Narela 954, (xi) Sulatanpuri 734, (xii) Tughlakabad 61, (xiii) Dwarka 16B- 116 .

16. That in fact a total of 3288 peoples from Tablighi Jamamt have been put under different quarantine centers and till date none has been released from any of the quarantine centers, despite the fact they are not in any manner infected with the disease and in case of many of the members, 3 consecutive reports with Negative endorsement have come. How bizarre is this, that the govt is willfully violating its own guidelines when the illness is surfaced to be not associated in any manner with Tablighi Jamat.

17. It is submitted that no law , rule or procedure may punish an innocent for being member of any jammata or Association. As far as the tablighhi jamaat is concerned, since independence, there is no case or even complaint against them in any court of law, excepting a false FIR bearing no 63/ 2020 which has been

registered against 8 persons of Tabligi Jamat. Even otherwise, every member of the Jamaat can not be punished like this by placing him under quarantine center for an indefinite period and particularly when the negative reports have been coming repeatedly. Since the Govt and other respondents have failed or neglecting to discharge their duties as per law of the land and principles of natural justice, therefore, the filling of the present petition has been necessitated in the larger interest of justice and public and large and therefore the present petition is being filed on the following amongst other grounds:

- a) For that the respondents have failed and in fact have been neglecting to discharge their duties as per law of the land and principles of natural justice
- b) For that the continuous detention in the name of quarantine is not justified for any reason and even is violative to own guidelines of govt of India as regards quarantine.
- c) For that quarantine beyond the provided period as per guidelines has to be construed as illegal detention or wrongful confinement which is punishable under section 341, 342 IPC and therefore, they guilty officials or Govt of

Delhi, who so ever is responsible for this illegal and wrongful detention is liable to be prosecuted as per law, and hence constitution of high level Committee is also being prayed for.

- d) That the continuous confinement without any valid reason, actuated without due process of law, clearly violates Article 21 of the Constitution of India, which guarantees Right to life and personal liberty.
- e) For that non release of members of tablighi Jamati gives reason to believe that the Govt of Delhi intentionally and delberatly has been discriminating on the ground of religion which is prohibited under Article 15 of Constitution of India.
- f) For that the wrongful or continuous confinement of peoples despite negative reports and beyond 14 days clearly violates Article 14 of the Constitution of India which no Govt can violate or deny to any person equality before the law and equal protection of the laws. It is submitted that to unearth the violation of this Article it is incumbent to constitute a high level committee and to enquire and investigate as to the same procedure and law has been applied by the govt qua peoples of other religion or not. In fact all persons, placed

under quarantine forms a class and therefore, same treatment has to be accorded to all persons of one and same class, and therefore, a prayer to this effect is also being made on this ground.

g) For that the continuous quarantine even otherwise is inhuman and violative of human rights and principles of natural justice.

h) For that 2 persons of tablighi Jamat have reportedly died in Sulatanpuri Quarantine Center due to hunger and hunger associated disease Sugar, therefore an enquiry deserves to be set up in this regard also and guilty and responsible officials or govt of delhi, if found responsible should be punished after ordering to register an FIR in this regard.

18. That the petitioner is left with no other option available except to knock the door of temple of justice for ensuring the rule of law and equality among all citizens of India and hence, the present petition.

19. That all the annexures appended to the present writ petition are true copies of their respective originals.

20. That the petitioner has not filed any other or similar petition either before this Hon'ble Court or before any other Court including Hon'ble Supreme Court of India.

PRAYER:

It is therefore, most humbly prayed that this Hon'ble Court may graciously be pleased to:

- a) Pass an order for issuance of a writ of mandamus or any other appropriate writ, order or direction thereby directing the Respondents to comply with the Guidelines for Quarantine facilities Covid 19 and to immediately release those persons who presently are under quarantine for more than 37 days and whose negative test reports have come thus showing that they are not infected at all with Corona Virus.
- b) Pass an order for issuance of a writ of mandamus or any other appropriate writ, order or direction thereby to Constitute a high level/ power committee to enquire and investigate as to whether continuous confinement of Memebhrs of tablighi Jamaat is violate of Constitution of India and is also without any

justifiable reason or that the same is warranted under any law and also as to whether the same principle of quarantine has been applied upon all peoples placed under quarantine or there is existence of discrimination with further powers to committee to suggest and recommend the actions against guilty and responsible officials, if any.

- c) Pass an order for issuance of a writ of mandamus or any other appropriate writ, order or direction thereby to Constitute a high level/ power committee to enquire and investigate about the death of two members of tablighi jamat died due to hunger in Sultanpuri Quarantine center and further to order to register an FIR in this regard against guilty and responsible officials or govt of delhi, if found responsible,
- d) Pass such other or further order(s) as this Hon'ble Court may deem fit and proper in the present circumstances and in the interest of justice.

NEW DELHI

DATED:

07/5/2020

THROUGH

PETITIONER

(Shahid Ali)
Advocate

5/27B, Jangpura B,
Mathura Road,
New Delhi-110014