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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SUO MOTO PUBLIC INTEREST LITIGATION STAMP NO.10541 OF 2020
(The Registrar (Judicial), High Court of Judicature of Bombay, Bench
at Aurangabad Vs. The Union of India and others)

Mr.A.R.Joshi, Advocate for the petitioner (Amicus Curiae)
Mr. D.R.Kale, Government Pleader for respondent Nos.4 to 8, 10, 11
to 23.
Mr.S.G.Chapalgaonkar, Advocate for respondent No.9.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 12/05/2020

PER COURT :

1. This Court had an occasion to notice a news reported by "Dainik Lokmat", Aurangabad Edition dated 12/05/2020 in its "Hello Aurangabad Supplement". The news published is about a lady nurse namely Mrs.Shilpa Hiwale, who is deployed in the District General Hospital and specifically in the Mini Ghati Corona Ward at Chikalthana. In the middle of the night, some of the neighbourers knocked on the door of the house on the pretext that somebody wanted drinking water. After the door was opened, the neighbourers entered her house. Her husband and her young son reside in the same house. They were threatened with assault if she did not vacate the said house and leave the said area as the neighbourers feared that she would introduce Corona Virus

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Infection in the Colony and that she had become a threat to the locality. Having been threatened and abused, she approached the concerned Police Station.

2. The news report further states that such threats were held out earlier and all the four wheels of their car were deflated about 8 days ago. Recently, the car indicator was also broken. The concerned MIDC, Cidco Police Station, has registered a non cognizable offence and is investigating the incident that is reported in today's Dainik Lokmat, annexed hereto as 'Y-1' for identification.

3. This Court had taken up the issue of the safety of such doctors/medical/paramedical staff on Covid-19 duty and who are now commonly referred to as Corona Warriors, on 15/04/2020. This Court was assured that adequate protection would be given to such members of the medical faculty. The learned Government Pleader reiterates that the Corona Warriors would be given an adequate protection and the local administration including the Police Authorities would do the needful.

4. I am of the view that the time has come to direct the authorities concerned to register offences against such residents

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who hold out threats or abuse or assault such medical/paramedical staff. The Police Authorities shall consider such offences seriously and should not hesitate to initiate appropriate action against such miscreants and register offences by following the due procedure of Law in appropriate cases.

5. The learned Amicus-Curiae has drawn the attention of this Court to a chart placed on record by the District Collector, Aurangabad indicating the list of Nivara Gruha/Community Canteen. His concern is as regards the migrants and displaced workers and he submits that the chart at Annexure 2 at page Nos. 2 and 3 of the compilation with the covering letter dated 17/04/2020, contains a list of cities/camps which house such migrants/displaced workers. He submits that there are private entities which also take care and accommodate such displaced persons and he is unsure as to whether the District Collector has a complete record of such persons.

6. I find that there are a dozen sugar factories in the Marathwada Region who offer employment to the seasonal and seasonal permanent employees. There are thousands of sugarcane harvesting daily wage workers, who are commonly known as "Us

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Tod Kamgar". There are 5 industrial areas around Aurangabad City with the Waluj Industrial Area and the Shendra Five Star MIDC Area, being a hub for large industrial establishments. The chart indicates that only 9542 displaced employees have registered with such community canteens, as on 16/04/2020, when they have a capacity of 14293 persons.

7. The learned Government Pleader submits that this list is dated 16/04/2020. Many more displaced workmen may have registered themselves in these last 26 days. The local administration is fully occupied and dedicatedly dealing with the containment of Covid-19 Pandemic. A data is being prepared to record the presence of displaced workmen. Considering that the number of Corona Virus Positive Patients is multiplying dangerously, a complete data could be placed before the Court if 4 weeks time is granted. The local administration is exerting day in and day out for dealing with the situation and is committed to taking care of such displaced/migrant workers.

8. Besides the above, I find it necessary to bring it to the notice of the learned GP that the Police Machinery is under great stress and strain. In its endeavour to control the spread of Covid-19

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Pandemic, Police Personnel are deployed on the streets, at railway stations, in various localities and are even deployed for dealing with applications for seeking travelling pass and permissions to migrate. I am sure that the local administration and the State Government is aware that several revenue officers and employees of the Revenue Department are off duty. The State Government should consider the deployment of such 'off-duty' revenue employees, especially those below the age of 50 years for the purposes of dealing with such activities and issues wherein the Police Personnel need not be necessary. For example, if migrant workers or displaced workers or students desire to return to their native places and are required to register themselves, the State Government and the local administration can utilize such 'off duty' employees of the revenue department, so as to ease the burden and pressure upon the Police Department.

9. I, therefore, find it appropriate to direct respondent Nos.4 and 5 and also the local authorities who are respondent Nos.7 to 11, to allot such duties to the 'off duty' employees of the Revenue Department in areas where Policing or the presence of Police Authorities is not necessary and such activities can be got done by deploying such 'off duty' employees, preferably who are below 50

years of age.

10. The learned Government Pleader submits that there are several reports creating a picture that the Police Authorities are humiliating lock down violators. The Police Authorities do not intend to humiliate lock down violators. It is only that different modes for dealing with lock down violators, like garlanding them or offering a flower so as to make them feel ashamed of their illegal acts, were being resorted to. However, presently the Police Authorities are dealing with lock down violators strictly in accordance with the Law and the procedure prescribed thereunder. The learned Amicus-curiae adds that some of the residents have themselves created blockades in the colonies and internal roads wherever a corona virus positive patient is noticed. The Police Authorities should initiate steps to remove such unauthorized blockades and instead apply the Law and the restrictions with full force within the framework of the Constitution and the rights of the people.

11. I, therefore, find it appropriate to direct the State and the Local Administration to resort to legally permissible effective measures for implementing the lock down restrictions. If violators

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are noticed, the Police Authorities can register offences against such violators by following the due procedure of Law.

12. Stand over to 12/06/2020.

(Ravindra V.Ghuge, J.)