

Court No.68

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 574 of 2020

Petitioner :- In-Re Inhuman Condition At Quarantine Centres And For Providing Better Treatment To Corona Positive

Respondent :- State of U.P.

Counsel for Petitioner :- Gaurav Kumar Gaur, Aditya Singh Parihar, Amitanshu Gour, Jitendra Kumar, Katyayini, Rahul Sahai, Rishu Mishra, S.P.S. Chauhan, Shailendra Garg, Sunita Sharma, Swetashwa Agarwal

Counsel for Respondent :- C.S.C., Purnendu Kumar Singh

Hon'ble Siddhartha Varma, J.

Hon'ble Ajit Kumar, J.

Civil Misc. Intervention Application No.NIL of 2020

The application filed by Ms. Sangeeta Dogra be taken on record. Copy of the application may be supplied to the State.

Order on the Petition:

Compliance Affidavit bringing on record the steps which were being taken by the State for enforcing COVID-19 guidelines has been filed by the Chief Secretary of the State. It may be kept on record.

Learned counsel appearing in the case for our assistance have ventilated their apprehension that now when Unlock-4 is there for the purposes of bringing back the

economy on its track the way it was before the lockdown was imposed on 25th March 2020, people would go out in the open resulting in a wider spread of COVID-19 infection. They submit that rampant infection might infect a large number of the population without any control and, therefore, prayed that appropriate directions be issued to ensure that the COVID-19 Guidelines issued by the Government be implemented by the Government in its letter and spirit very religiously.

Under such circumstances, in our considered opinion there has to be a comprehensive strategy to ensure absolute compliance of wearing of masks and of social distancing norms by our people. Though the State would emphasise on its standard modes of operation i.e. policing etc., we are of the view that the District Administration, Prayagraj may also take the following steps :

(i) The District Administration may, within the municipal limits of Prayagraj, install sufficient number of high-end CCTV cameras in addition to the ones which have been already installed in all such places where normally it is known that crowd of more than 100 accumulates.

When the CCTV footage is seen/reviewed by the Zonal Officers of the Nagar Nigam then they shall report the matter to the Senior Superintendent of Police, Prayagraj who shall immediately take action against the police official posted in the area where it is found that people were congregating and were violating the COVID 19 Regulations of maintaining physical distancing and wearing of masks.

(ii) We direct the State Legal Services of Uttar Pradesh to appoint Advocate Commissioners in consultation with the Municipal Commissioner, Prayagraj Nagar Nigam for overseeing the work of Corporators of the 80 Wards of the municipal limits of Prayagraj. Each Advocate Commissioner must be a resident of one of the wards in respect of which he shall be making the inspection. Each Advocate Commissioner shall have 4 Wards under him/her and the Advocate Commissioner shall on a regular basis go around his/her area and see if any crowd is there and also see if anyone is avoiding the wearing of mask in public. The Advocate Commissioners shall report any violation of the COVID-19 Guidelines immediately to the Zonal Officer of the Nagar Nigam who shall in his turn take suitable steps as

per the orders of the District Magistrate dated 29.8.2020 and 1.9.2020. It may be mentioned that these orders were placed before us today and have been kept on record.

(iii) Since now people are likely to get affected in large numbers on account of the Unlock-4 as they are taking the COVID-19 directives casually, health issues would be of paramount importance. Under such circumstances the State Government may take measures to act in accordance with the provisions Section 112-B of the U.P. Municipal Corporations Act, 1959 and under similar provisions of the Municipalities Act, 1916 as well. For ready reference, Section 112-B is being reproduced here as under :-

"112-B. Essential services.-- The following services of the Corporation shall be essential services, namely:

- (a) medical and public health services;
- (b) waterworks and mechanical engineering services;
- (c) sweepers;
- (d) staff of the lighting department;
- (e) transport services; and
- (f) such other services as may be specified in the rules."

Here we direct that the State may revitalize its Primary Health Centers and other dispensaries in the urban, sub-urban and rural areas. Collection centres of samples for testing the COVID-19 virus be there in all such health centres all over the district. Further, the Provincial Medical

Service may be revitalized and they may have a 'State of the Art' facilities for all and sundry in the hospitals which are run by it.

(iv) We also direct the State to take all necessary steps to establish a dedicated COVID Hospital as early as possible and place before this Court a blue print for the project within ten days.

As and when we find that the scheme which we are trying to implement through our order succeeds in Allahabad, it shall be gradually implemented in all other districts of Uttar Pradesh.

(v) The containment zones, as and when are declared by the Administration, should not have any commercial activity. In fact the guidelines for containment zones provided in the Unlock-4 should adhered to strictly.

(vi) When a report showing that a person is tested positive, then amongst other readings it should also give the Real Time (PCR) Cycle Threshold Value (CT Value).

(vii) All the lawyers in the State would enter Court premises with masks on their face and will wear it throughout the Court hours while they are in the Court premises and near it.

Bar Associations in the State may frame guidelines for enforcing the wearing of mask.

(viii) We also appeal to one and all that as and when anyone goes out of his/her home they should compulsorily wear a mask.

The District Magistrate, the Secretary of the State Legal Services Authority and the Municipal Commissioner, Nagar Nigam, Prayagraj may comply with this order and may place before this Court their compliance reports on the next date. However, the learned Additional Advocate General, with regard to the improvement in the medical and health services may provide to us the scheme after ten days.

We appreciate the fact that the Corporator Sri Ajay Yadav of New Katra Ward No.53, appeared before us and assured us that he would abide by our orders. We expect a similar response from all other Corporators.

Put up this matter on 7.9.2020 at 2.00 PM.

Order Date :- 02.09.2020

GS

(Siddhartha Varma, J.)

(Ajit Kumar, J.)