

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 108 of 2020

VISHAL S AWTANI
Versus
STATE OF GUJARAT

Appearance:
PARTY IN PERSON(5000) for the Applicant(s) No. 1
for the Opponent(s) No. 1,2

CORAM: **HONOURABLE THE CHIEF JUSTICE MR. VIKRAM NATH**
and
HONOURABLE MR. JUSTICE J.B.PARDIWALA

Date : 27/11/2020

ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE MR. VIKRAM NATH)

1. We have heard Shri Vishal Awtani, the petitioner in person, Shri Kamal Trivedi, learned Advocate General along with Ms. Manisha Lavkumar Shah, learned Government Pleader for the State respondents.

2. By means of this petition, the petitioner has prayed for appropriate directions to the State to increase the fine for not wearing a face cover (mask) to Rs.2,000/- in the cities of Ahmedabad, Vadodara, Surat and Rajkot and Rs.1,000/- for the rest of the Gujarat. In one of our orders, the fine has been increased to Rs.1,000/- for the entire State of Gujarat which is presently being enforced by the State and recovered from the persons not covering their face with the mask. Today's newspaper carries a news item that out of 100 who were fined for not wearing a face cover (mask), 47 were tested positive with Asymptomatic condition. This is very alarming.

3. Shri Awtani submitted that the fine alone does not appear to be a sufficient deterrent for people to use the mask whenever they are out and therefore he suggests that in addition to the fine that is being imposed, appropriate directions may be issued that such persons who are caught without wearing a face cover (mask), their services will be utilized for community services at Covid-19 Centers for 10 to 15 days on non-medical services. According to Shri Awtani, this would sufficiently work as a deterrent and will ensure stricter implementation of compulsory wearing a mask.

4. Learned Advocate General and the learned Government Pleader also find this suggestion to be working well as a deterrent, however, they prayed for reasonable time to revert back after obtaining instructions from the State. We also feel that such steps if taken would definitely ensure greater implementation of the compulsory wearing of mask which will definitely help us in containing the spread of the COVID-19.

5. Since this will require an urgent attention at the level of the State and also by us, we direct that for consideration of this aspect, let this petition be listed on Tuesday i.e. 01.12.2020 on top of the Board, to be taken up at 11.00 a.m.

6. The petitioner may provide a copy of this petition to the office of the learned Advocate General and the learned Government Pleader today itself.

(VIKRAM NATH, CJ)

(J. B. PARDIWALA, J)

A. B. VAGHELA / GAURAV THAKER