

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Suo Motu Writ Petition (Civil) No(s).7/2020

IN RE THE PROPER TREATMENT OF COVID 19 PATIENTS AND DIGNIFIED HANDLING OF DEAD BODIES IN THE HOSPITALS ETC.

(IA No. 63664/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT

IA No. 54973/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 55794/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 56067/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 90409/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 54881/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 55938/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 68811/2020 - CLARIFICATION/DIRECTION
IA No. 54900/2020 - EARLY HEARING APPLICATION
IA No. 55936/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 56420/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 68639/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 56142/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 118651/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 55792/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 56124/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 68519/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 74588/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 90410/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 54885/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 55398/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 55939/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 72559/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 54982/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 72111/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 90398/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 68817/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 92849/2020 - EXEMPTION FROM FILING O.T.
IA No. 74671/2020 - EXEMPTION FROM PAYING COURT FEE
IA No. 74670/2020 - INTERVENTION APPLICATION
IA No. 55790/2020 - INTERVENTION APPLICATION
IA No. 63659/2020 - INTERVENTION APPLICATION
IA No. 54880/2020 - INTERVENTION APPLICATION
IA No. 55937/2020 - INTERVENTION APPLICATION
IA No. 90394/2020 - INTERVENTION/IMPLEADMENT
IA No. 77370/2020 - INTERVENTION/IMPLEADMENT
IA No. 54971/2020 - INTERVENTION/IMPLEADMENT
IA No. 55935/2020 - INTERVENTION/IMPLEADMENT
IA No. 68561/2020 - INTERVENTION/IMPLEADMENT
IA No. 54897/2020 - INTERVENTION/IMPLEADMENT
IA No. 57318/2020 - INTERVENTION/IMPLEADMENT
IA No. 54902/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 63660/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 54978/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON
IA No. 56419/2020 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 03-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) By Courts Motion

For Respondent(s) Mr. Tushar Mehta, SG
Mr. Shantanu Sharma, Adv.
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Telangana	Mr. S. Udaya Kumar Sagar, Adv. Ms. Swati Bhardwaj, Adv.
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Ms. Gitanshi Arora, Adv.

**I.A. 90394/20
& 90409/20** Mr. Pawan Shree Agrawal, Adv.
Ms. Abhipsa Anamika, Adv.

Applicant in person

**Municipal Corporation
Of Greater Mumbai** Mr. Ashish Wad, Adv.
Ms. Tamali Wad, Adv.
Mr. Sidharth Mahajan, Adv.
Ms. Sukriti Jaggi, Adv.
Mr. Ajeyo Sharma, Adv.
M/S. J S Wad And Co.

Intervenor Mr. Subhash Chandran, Adv.
Mr. Biju P Raman, AOR

55937&55938 Mr. M. Shoeb Alam, Adv.
Mr. Talha Abdul Rahman, AOR

55935

Dr. Ishwar Gilada, Adv.
Mr. Rohit Rathi, AOR

Mr. Shashank Deo Sudhi, Adv.

Mr. Mukesh Kumar, Applicant in person

UPON hearing the counsel the Court made the following

O R D E R

Special Leave Petition (C) No. 14818/2020

The matter is taken on board.

Heard Shri Tushar Mehta, learned Solicitor General appearing for the petitioner.

This special leave petition has been filed against the interim order dated 02.12.2020 passed by the High Court of Gujarat at Ahmadabad where certain directions have been issued in paragraph 13.

Shri Tushar Mehta submits that the guidelines of the Union of India, issued under the Disaster Management Act and the State of Gujarat which require wearing of masks by all persons in public and keeping social distancing have to be followed by all. He further submits that in the State of Gujarat there is direction for realization of fine of Rs.1000/- from those persons who are violating the guidelines by not wearing the masks in public places. He submits that the guidelines of the Union of India and the State of Gujarat had to be compulsorily followed and implemented but directions issued by the High Court in paragraph 13 are harsh and disproportionate. He further submits that in event the directions are implemented that may cause health issues to those who are subjected to aforesaid directions.

Finding substance in the submissions of Shri Tushar Mehta, learned Solicitor General, we stay the directions issued in paragraph 13 of the judgment dated 02.12.2020. However, we direct that the State of Gujarat through Additional Chief Secretary, Home shall ensure that the guidelines issued by the Union of India as well as the State of Gujarat requiring wearing of masks and keeping social distancing are vigorously implemented and the police officials and other administrative authorities may ensure that the guidelines are scrupulously followed and whosoever is found violating the guidelines, appropriate action be taken against such persons including realization of fine.

Issue notice.

Counter affidavit be filed within two weeks.

List the matter in the second week of January, 2021.

Suo Motu Writ Petition (Civil) No(s).7/2020

We have heard Mr. Tushar Mehta, learned Solicitor General appearing for the Union of India and the State of Gujarat, Mr. K.V. Viswanathan, learned senior counsel appearing for the State of NCT of Delhi and learned counsel appearing for other States.

It has been pointed out that guidelines with regard to wearing of masks and keeping social distancing are not being followed in almost all of the States. It is submitted that even though there are stringent regulations including imposing of fine on non-wearing of masks, yet desired results have not been achieved. It has also been submitted that there has been large public gathering including political, religious, ceremonial where the social distancing is

given a go-bye and there are no appropriate mechanism to check such social gatherings.

The learned Solicitor General and other counsel appearing for different States have requested time to give appropriate suggestions in the above regard so that appropriate directions may be issued by this Court to implement the guidelines and to ensure the compliance. The suggestions may be given by 7th December, 2020.

It has been submitted by Mr. Gaurav Agrawal, learned counsel that in the State of Himachal Pradesh there are several issues like lack of oxygen, lack of beds etc.

Issue notice to the State of Himachal Pradesh to file a status report regarding treatment of Covid patients in different hospitals, infrastructure and facilities available therein.

List this petition for consideration on 09.12.2020.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER