

In the High Court at Calcutta
Constitutional Writ Jurisdiction

Before :

Hon'ble Thottathil B. Radhakrishnan, the Chief Justice

And

Hon'ble Justice Dipankar Datta

Dated : 28th March, 2020

W.P. No.5324(W) of 2020

Court on its own motion :

In Re : COVID 19 - Relief and services at the Andaman and Nicobar Islands (Letter dated 27th March, 2020 received from Mr. D. C. Kabir, Advocate, treated as a petition)

The Court : The extraordinary jurisdiction of this Court is being invoked in view of the extraordinary situation pointed out through this letter petition. The matter relates to the reportedly grim state of affairs in the Union Territory of Andaman and Nicobar Islands. Various facets of the challenges faced by the people are pointed out in the letter petition.

Access to justice is multifaceted assistance to the people. It is not confined to mere access to courts. It spreads out and trickles down multifarious inalienable necessities for human existence and environment management. Provisions to support cohesive and comprehensive deliverance of matters connected with life is among the guarantees, including fundamental rights, in the Constitution. Therefore, we are of the view that the contents of the letter petition requires to be addressed and remedial measures, as may be found necessary, ought to be pushed through as a first step in this regard.

Hence, we direct the Union of India and the Union Territory of Andaman and Nicobar Islands through the Chief Secretary to respond immediately by sending reports over email to the Registrar General of this Court; which, in turn, shall be placed before us for our consideration. Let such reports reach the Registrar General of this Court by 30th March, 2020 through emails. Copy of the letter petition shall be forwarded to the Union of India and the Union Territory of Andaman and Nicobar Islands by the Registrar General immediately.

It may be noted that having regard to the exigencies of circumstances, we direct that the proceedings of this case will continue utilising WhatsApp, e-conferencing, e-mails, etc. as modes of communication and judicial management for the time being.

It would appear that there are orders issued by the administration for smooth distribution of essential commodities and medicines to the island. However, we need to find out as to what is happening on the ground. Hence, we hereby constitute a Monitoring Committee headed by the District Judge, with the Judicial Secretary, the Superintendent of Police, South Andamans and the President of the Bar Association, Port Blair, as members, to not only ensure access to justice for all but also to act on behalf of the court and report on the ground realities. That Committee, which will come into force upon issuance of this order, is hereby directed to make an overall assessment of all relevant factors including supply of essential commodities and essential articles, medicines, fuel and availability of other support mechanisms for the people of Andaman and Nicobar Islands. Let the first report of the Monitoring Committee be forwarded to the Registrar General of this Court by 30th March, 2020 by email.

We further direct the District Judge, Andaman and Nicobar Islands, who is also the Registrar-in-charge of the Port Blair Circuit Bench of the High Court at Calcutta, to notify the public that they may, in extremely urgent situations, file petitions before the Registry with

soft copies; immediately thereafter, the petitions may be registered and transmitted to the Registry here in Kolkata via email or other available mode for being placed before the Chief Justice. We also direct the Judicial Secretary, who is the Member Secretary of the State Legal Services Authority, Andaman and Nicobar Islands, to similarly notify and upon receipt of any such petition citing extremely urgent situation requiring judicial intervention, the same shall be placed before the District Judge for registration and thereafter, in the manner aforesaid and by following the directive, be placed before the Chief Justice for consideration.

This case will be considered by us on 31st March, 2020.

(Thottathil B. Radhakrishnan, Chief Justice)

(Dipankar Datta, J.)