

CWP-PIL-38-2020 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-PIL-38-2020 (O&M)
Date of Decision: 29.03.2020

Adityajit Singh ChadhaPetitioner
Versus
Union of India and othersRespondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

Present : Mr. Bikramjit Singh Patwalia, Senior Advocate,
for the petitioner.

Mr. S.P. Jain, Additional Solicitor General of India,
for respondent No.1.

Mr. Pankaj Jain, Senior Standing Counsel, UT Chandigarh,
for respondents No.2 and 3.

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Case has been taken up for hearing through video-conferencing.

In sequel to the direction issued on 28.03.2020, respondents No. 2 and 3 have filed short reply. The petitioner has also placed on record additional material by way of affidavit.

We have gone through the petition, short reply and the additional material placed on record.

The petitioner has laid challenge to the order dated 27.03.2020.

The petitioner has relied upon various reports published from time to time concerning the origin and spread of Corona Virus. The petitioner has also made reference to the orders passed by the Bombay High Court and also by one of the Deputy Commissioners of the State of Punjab.

It is averred in the reply that the Chandigarh Administration is taking all necessary steps to fight the pandemic of 'COVID 19'. After first positive case of Corona was reported in Chandigarh, the Administration immediately issued order under Section 144 Cr.P.C on 19.03.2020. A provision was made for home quarantine of specified persons to prevent further spread of the disease. A decision was also taken to appoint a Nodal Officer for contact tracing and enforcing home quarantine. A police team was placed at the disposal of the Nodal Officer to assist him. It was also ordered that on the back of right hand of such person, stamp be marked along with relevant date. The Hon'ble Prime Minister of India announced 'Janta Curfew', as a measure of social distancing to fight 'COVID 19' to be observed on 22.03.2020. A curfew was imposed on 23.03.2020. The Ministry of Home Affairs has also issued instructions. The Chandigarh Administration tried hard to ensure continuation of supplies of essential items. The senior officers were assigned the task to ensure availability of essential items. The buses of Chandigarh Transport Undertaking were used to provide food and vegetables. However, various problems were faced and it was realised that it was not possible to maintain the supply chain for long in this manner, without involving the traditional network of shops. A huge crowd thronged the buses/trucks loaded with fruits, vegetables and the grocery items. The very purpose of social distancing was being challenged. A number of complaints were received. The Administrator, Union Territory, Chandigarh, reviewed various complaints in the meeting held on 27.03.2020. The Administrator received inputs regarding various complaints and also took feedback from the Director, PGIMER,

Chandigarh, and the Director, Health Services. He also reviewed the law and order situation. Accordingly, as per the guidelines issued by the Government of India on 24.03.2020, the Deputy Commissioner, Chandigarh; and the Commissioner, Municipal Corporation, Chandigarh, were directed to issue necessary orders. The order dated 27.03.2020 did not end the curfew. The limited exemption has been given only to one person from each household to walk to the nearest shops selling essential items. The home delivery system already put in place by the Administration was encouraged. A press conference was also held by the Administrator on 28.03.2020. It was attended by the Advisor; Director, PGIMER, Chandigarh; DGP; and the Director, Health Services, Chandigarh. All the decisions are being taken after due deliberations and approval by the higher authority i.e. Administrator of U.T. Chandigarh. Meetings are being held on day to day basis and the decisions are being reviewed.

It is, thus, evident that the order dated 27.03.2020 has been issued as per the guidelines issued by the Union of India and after holding consultations with the Director, PGIMER, Chandigarh; the Director, Health Services, Chandigarh and DGP. The whole exercise has been undertaken to maintain regular supply of essential items to the public at large.

Mr. S.P. Jain and Mr. Pankaj Jain, appearing on behalf of the respondents, have fairly submitted that the respondents are receptive to receive the suggestions for improving the supply and distribution of essential items. Mr. Patwalia has submitted, during the course of hearing, that e-vending is prohibited. However, Mr. Pankaj Jain has clarified that in fact e-vending is being encouraged as per the norms laid down. Mr.

Patwalia also submits that the fleet of buses can be utilized to distribute the essential items. Mr. Pankaj Jain submits that fleet of buses has been deployed to distribute the essential items at the door step. Mr. Pankaj Jain has undertaken that while distributing the essential items, social distancing would be maintained. Mr. Patwalia submits that specific parameters qua the social distancing be laid down and notified.

The order dated 27.03.2020 is valid. It has been issued in larger public interest. The scope of judicial interference in a policy matter is very limited. The Chandigarh Administration has weighed all the pros and cons before taking the decision. We will not substitute our wisdom for the wisdom of the Administration during this crisis. Maintaining social distance is a *sine qua non* to control the disease. The Administration may also solicit opinion of the specialists of infectious/communicable diseases, while taking a decision.

Accordingly, the petition is disposed of with an observation that the Administration may lay down the parameters of social distancing at the time of distribution of essential items and also to monitor and regulate the same by taking stringent actions against the violators.

(RAJIV SHARMA)
JUDGE

(RAKESH KUMAR JAIN)
JUDGE

March 29, 2020
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