

In Chamber

Case :- P.I.L. CIVIL No. - 8043 of 2020

Petitioner :- Prince Lenin, Advocate

Respondent :- State Of U.P. Thru. Chief Secy. Civil Secretariat, Lko. & Ors.

Counsel for Petitioner :- Prince Lenin (In Person)

Counsel for Respondent :- C.S.C

Hon'ble Anil Kumar, J.

Hon'ble Saurabh Lavania, J.

Heard Mr. Prince Lenin, petitioner in person, Sri S.P. Srivastava, learned Additional Chief Standing Counsel for opposite parties no.1 to 4 and Sri S.S. Chauhan, learned counsel for opposite party no.5 through Video Conferencing and perused the material available on record.

By means of present writ petition, petitioner has prayed the following main relief:-

“(I) Issue a writ, order or command in the nature of Mandamus thereby directing the opposite party no.1 to ensure compliance of the advisory issued by the Ministry of Health and Family Welfare, Government of India, regarding prohibition of spray of Sodium Hypochlorite on human beings.

(ii) Issue a writ, order or command in the nature of Mandamus thereby directing the opposite party no.1 to issue a direction to all the authorities within the State of U.P. to prohibit spray of sodium Hypochlorite on human beings or any other living being.”

In support of aforesaid relief, learned counsel has relied on following paragraphs:-

“20. That several precautionary measures are to be taken while using Sodium Hypochlorite which are as follows:

Wear protective gloves/ protective clothing/eye protection/ face protection.

In case of ingestion: Rinse mouth. Do not induce vomiting. Clean mouth with water. Never give anything by mouth to an unconscious person.

In case of Inhalation: If not breathing, give artificial respiration. Remove from exposure, lie down. Do not use mouth -to-mouth method if victim ingested or inhaled the substance; given artificial respiration with the aid of a pocket mask equipped with a one way valve or other proper respiratory medical device.

In case of skin contact: Take off immediately all contaminated clothing. Wash off immediately with plenty of water for at least 15 minutes. Rinse skin with water or shower.

In case of Eye contact: Rinse immediately with plenty of water, also under the eyelids, for at least 15 minutes. Immediate medical attention is required. Remove contact lenses, if present and easy to do. Continue rinsing.

On any of the above mentioned condition immediately call a POISON CENTER or doctor/physician.

21. That on contact of Sodium Hypochlorite in any of the above form the person can suffer burns by all exposure routes. Possible perforation of stomach or esophagus should be investigated. Ingestion causes sever swelling, severe damage to the delicate tissue and danger of perforation.

22. That as a part of Environmental safeguards Sodium Hypochlorite should not be flushed into surface water or sanitary sewer system so as to not allow the material to contaminate ground water system. Hence it must be prevented from entering drains.

23. That thus it is evident that from no stretch of imagination Sodium Hypochlorite can be used in any form for spraying it over a human being or any animal for any purpose, be it whatsoever.

24. That on 23.03.2020 a person namely Sandeep s/o Kunjal r/o village Alimau, Block Hathgaam, District Fatehpur, U.P. who was working as a cleaning staff at Village Panchayat Sirathu Nagar, District Kaushambi, lost his life while spraying disinfectant in order to prevent corona virus, as he was spraying the disinfectant without any proper preventive kit.

25. That it is relevant to point out that on 29.03.2020 at District Bareilly several persons (Labors) comprising of men, women , old person and young children were subjected to spraying Sodium Hypochlorite in the name of killing corona virus which might be present in their body. It is also necessary to point out that the aforesaid inhuman act of spraying Sodium Hypochlorite caused severe panic and ill effects over the body of the men, women, old persons and children.

26. That again on 05.05.2020 several labors who were coming from other places were subjected to spray of sodium Hypochlorite at Charbagh Lucknow.

27. That it is relevant to point out that several state government such as Tamil Nadu, Madhya Pradesh, Maharashtra, Punjab have banned spraying of Sodium Hypochlorite over human beings.

28. That it is also relevant to point out that the Ministry of Health of Family Welfare, Government of India has issued advisory/guidelines thereby mandating spraying of individuals or groups is NOT RECOMMENDED

under any circumstance. Spraying an individual or group with chemical disinfectants is physically and psychologically harmful.”

Sri S.P. Srivastava, learned Additional Chief Standing Counsel for opposite parties no.1 to 4 and Sri S.S. Chauhan, learned counsel for opposite party no.5 submit that as per instructions received, respondents are following the guidelines issued by Government of India in the matter in issue to prevent spreading of Corona virus.

It is further submitted by learned counsel for the respondents that the assertions as made in the writ petition on the basis of which prayers have been made, is wholly misconceived and wrong.

Accordingly, learned counsel for the respondents pray for and are granted four weeks time to file counter affidavit. Rejoinder affidavit, if any, be filed within two weeks thereafter.

List thereafter.

Order Date :- 19.5.2020

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