

IN THE SUPREME COURT OF INDIA

(CRIMINAL ORIGINAL JURISDICTION)

WRIT PETITION (CRIMINAL) NO. _____ OF 2020

(HABEAS CORPUS WRIT PETITION)

NALIN N. MISHRA

...PETITIONER

VERSUS

STATE OF MAHARASHTRA & ORS.

...RESPONDENTS

PAPER - BOOK

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ADVOCATE FOR THE PETITIONER: MS. MITHU JAIN

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Proforma for First Listing

Section: Article 32 of Constitution of
India, 1950

The Case pertains to (Please tick/check the correct box):				
☒	Central Act: (Title)	The Constitution of India, 1950		
☒	Section:	Article 32 r/w Article 14, 19, 20, 21 & 22.		
X	Central Rule: (Title)	N/A		
X	Rule No(s):	N/A		
X	State Act: (Title)	N/A		
X	Section:	N/A		
X	State Rule: (Title)	N/A		
X	Rule No(s):	N/A		
X	Impugned Interim Order: (Date)	N/A		
X	Impugned Final Order: (Date)	N/A		
X	High Court: (Name)	N/A		
X	Name of Judges:	N/A		
X	Tribunal/Authority: (Name)	N/A		
1.	Nature of Matter:	X	Civil	☒ Criminal
2.	a. Petitioner/Appellant No. 1:	Nalin N. Mishra		
	b. E-mail ID:	N/A		
	c. Mobile Number:	N/A		
3.	a. Respondent No. 1:	State of Maharashtra		
	b. E-mail ID:	N/A		
	c. Mobile Number:	N/A		
4.	a. Main Category	1300 (Habeas Corpus Matters)		

	Classification:	
	b. Sub-Classification:	N/A
5.	Not to be listed before:	N/A
6.	a. Similar Disposed of matter with details:	N/A
	b. Similar Pending matter with details:	N/A
7.	Criminal Matters:	N/A
	a. Whether accused/convict has surrendered:	N/A
	b. FIR No.: Date:	N/A
	c. Police Station:	N/A
	d. Sentence Awarded:	N/A
	e. Period of Sentence Undergone:	N/A
8.	Land Acquisition Matters:	N/A
	a. Date of Section 4 Notification:	N/A
	b. Date of Section 6 Notification:	N/A
	c. Date of Section 17 Notification:	N/A
9.	Tax Matters: State the tax effect:	N/A
10.	Special Category (First Petitioner /Appellant only):	N/A
	Senior Citizen>65	N/A
	Disabled:	N/A

	years:			
	Woman/Child:	N/A	Legal Aid Case:	N/A
	SC/ST:	N/A	In custody:	N/A
11,	Vehicle Number (in case of Motor Accident Claim Matters):	N/A		



(MS. MITHU JAIN)
Advocate for the Petitioner (s)
CGU-103, Capital Greens,
Moti Nagar, New Delhi-110015

Date: 06.08.2020
Place: New Delhi

SYNOPSIS AND LIST OF DATES

The present Petition is filed under Article 32 of the Constitution of India inter alia for issuing writ of habeas corpus to Respondent No. 1, 2 and 3 thereby quashing the impugned order and directing the release of the Petitioner Shri Vinay Tiwari, IPS officer from Bihar from the isolation/quarantine centre.

It is submitted that Shri Vinay Tiwari is a decorated IPS officer from Bihar who visited Mumbai to investigate the death of actor Sushant Singh Rajput by suicide in Mumbai on 14.06.2020 in mysterious circumstances, however upon his arrival, Mr. Vinay Tiwari, the detainee, was forcibly quarantined forthwith, in blatant violation of the Guidelines for Quarantine and utter disregard for the Fundamental Rights of the detainee and the criminal justice machinery.

Facts leading to filing of the present Petition.

On Saturday, 25th July, 2020, an FIR in connection with the deceased actor Sushant Singh Rajput Suicide/Murder Case, was lodged by Sri K. K. Singh, father of the said actor, against actress Rhea Chakraborty and others, at Rajiv Nagar Police Thana in Patna, registered under Sections 306, 341, 342, 380, 406 and 420 of Indian Penal Code, 1860.

In pursuance of the said FIR a Special Investigation Team (SIT) of 4-officers went to Maharashtra for investigation on Monday, 27th August, 2020. Further, under directions of the Bihar Police, Mr. Vinay Tiwari, IPS, the detainee, in order to lead and co-ordinate with the investigation being carried on by the 4-member SIT of Patna Police,

reached Mumbai, Maharashtra on Sunday, 2nd August, 2020. And upon his arrival, Mr. Vinay Tiwari, the detainee, was forcibly quarantined forthwith By Respondent No. 1 and 2 in blatant violation of the Guidelines for Quarantine.

The alleged quarantine of Mr. Vinay Tiwari is without any legal sanction and in derogation to the guidelines issued by the Ministry of Civil Aviation and State of Maharashtra wherein it provides that if the passenger is returning within 7 days of his arrival, there shall be no quarantine. Moreover, a team of four police officers had already been sent to Mumbai and were investigating the case since Monday, 27th August, 2020, all of whom have returned to Bihar and have submitted a report of their investigation containing statements of witnesses recorded in a period of 11 days.

The detention and alleged quarantine (virtual house arrest) of Mr. Vinay Tiwari, an IPS officer on-duty, by the BMC is *ultra vires* and violative of Fundamental Rights under Articles 14 & 19 as the guidelines of 14-Day Quarantine is not applicable to him. Further, the detainee is not being sent back or allowed to back to Bihar and as such is a violation of his Fundamental Rights under Articles 20, 21 and 22.

The detention of the IPS officer on-duty, in the garb and under the pretext of allegedly quarantining is illegal, *mala fide*, *ultravires* and goes against the procedure and guidelines of quarantine as issued for the said purpose. What is more, the alleged quarantine of the detainee by the BMC and such forceful detention shows a total non-application of mind on the part of the detaining authority inasmuch as without considering the facts and circumstances of the case the detainee was forcefully and illegally quarantined, inasmuch as, the Guidelines state that:

“Local district/Municipal Administration will be authorised to give exemption in home isolation for contributing to an office or for other important work after checking the passengers”

The detainee IPS officer who reached Mumbai in pursuance of lawful discharge and execution of his official duty in connection to a case assigned to him and as such, the detaining authority ought to have granted him exemption or given a statement of reasons for the rejection of the same when a request for grant of exception was made by the DGP of Bihar Police to the detaining authority which was rejected.

Further, even if an exception could not have been made for the detainee, the detaining authority must have allowed him to go back to Patna as under the scheme of quarantine laid down in the guidelines and as such his forceful alleged quarantine amounts to illegal house arrest and unlawful detention.

It is submitted that there is misuse of power on the part of the detaining authority in forcefully quarantining the detainee when his period of visit was no more than 7 days in which case he should not have been quarantined as under the guidelines and assuming that the period of visit exceeded 7 days, the Detainee ought to have been allowed to head back to Bihar which is a gross violation of the his Fundamental Rights under Articles 14, 19, 20, 21 and 22 of the Constitution.

The State of Bihar (Resp. no. 4) has until now, taken no steps to seek release of its decorated IPS officer (the detainee) who has been illegally detained in the middle of an ongoing investigation, on the shady pretext of sham quarantine norms/rules.

The petitioner apart from being a resident of Bihar is a public spirited and concerned citizen of India, and being very shaken by the mysterious demise of an actor (Sushant Singh Rajput) from his native State (Bihar), is further deeply distressed by the action of the respondents 1, 2 & 3, blatantly violating the fundamental rights of an up-standing IPS officer of his State and unjustifiably and crookedly meddling in the administration of the criminal justice system, approaches this Hon'ble Court, beseeching for the release of Mr. Vinay Tiwari, IPS, to be set at liberty, without further ado.

LIST OF DATES

25/07/2020	FIR was lodged was lodged by Sri K. K. Singh, father of the Sushant Singh Rajput, against actress Rhea Chakraborty and others, at Rajiv Nagar Police Thana in Patna, registered under Sections 306, 341, 342, 380, 406 and 420 of Indian Penal Code, 1860.
27/07/2020	SIT went to Mumbai, Maharashtra and started investigation.
02/08/2020	Mr. Vinay Tiwari, IPS Officer on-duty (the detainee) under direction of Bihar Police went to Mumbai, Maharashtra to coordinate and lead the investigation, where he was forcibly, illegally and arbitrarily quarantined, forthwith, upon his arrival.
06/08/2020	Hence, this writ petition under Article 32 of the Constitution of India, 1950.

IN THE SUPREME COURT OF INDIA

(CRIMINAL ORIGINAL JURISDICTION)

WRIT PETITION (CRIMINAL) NO. _____ OF 2020

(HABEAS CORPUS WRIT PETITION)**IN THE MATTER OF:**

1. Vinay Tiwari,
IPS, posted at Patna (Central)
as Superintendent of Police (SP),
At present, illegally quarantined by BMC,
In Mumbai, Maharashtra. **...Petitioner/Detainee**

THROUGH

Nalin N Mishra,

...Petitioner**VERSUS**

1. State of Maharashtra,
Through the Chief Secretary,
Mantralaya,
Mumbai, Maharashtra. **...Respondent No. 1**
2. Brihanmumbai Municipal Corporation (BMC),
Through the Municipal Commissioner,
Annex Building, Mahapalika Marg No 1,
Fort, Mumbai - 400001,
Maharashtra. **...Respondent No. 2**
3. Police Commissioner,
Dr DN Road, Fort, ,
Opposite Crawford Marke
Mumbai - 400001,
Maharashtra. **...Respondent No. 3**
4. State of Bihar,
Through the Secretary,

Ministry of Home Affairs,
Patna, Bihar.

...Respondent No. 4

5. Director General of Police (DGP),
State of Bihar.
Jawaharlal Nehru Marg,
Rajbansi Nagar,
Patna, Bihar 800023

...Respondent No. 5

(Respondents 1, 2
& 3 are contesting
respondents)

**WRIT PETITION FOR HABEAS CORPUS UNDER ARTICLE 32
OF THE CONSTITUTION OF INDIA FOR A DIRECTION TO
THE RESPONDENTS 1 & 2, TO SET MR. VINAY TIWARI, IPS,
POSTED AT PATNA (CENTRAL) AS SUPERINTENDENT OF
POLICE (SP), ILLEGALLY DETAINED/CONFINED/
QUARANTINED BY RESPONDENTS 1 & 2, AT LIBERTY,
FORTHWITH.**

TO,

THE HON'BLE THE CHIEF JUSTICE OF INDIA
AND HIS LORDSHIP'S COMPANION JUSTICES OF
THE HON'BLE SUPREME COURT OF INDIA.

THE HUMBLE PETITION OF THE
PETITIONERS ABOVE-NAMED,

MOST RESPECTFULLY SHOWETH:

1. That, the instant petition is being filed in this Hon'ble Court under Article 32 of the Constitution of India seeking direction from this Hon'ble Court to set Mr. Vinay Tiwari, IPS, posted at Patna (Central) as Superintendent of Police (SP), at liberty forthwith, who has been confined/kept under illegal confinement/house

arrest by the Respondents 1 & 2 without any authority of law in the name of alleged quarantine, being in sheer violation of the Guidelines for Quarantine, and the fundamental rights of Shri Vinay Tiwari.

ARRAY OF PARTIES:

2. That, petitioner, Shri Nalin N. Mishra, has actively participated as a volunteer, in fund generation, relief material distribution and relief work during 2008 Bihar flood disaster. With individual effort and by making a team of several civil services aspirants generated a fund of more than 2 lakh through crowd funding and deposited in state relief fund.
3. He spent six months in relief work in Uttarakhand disaster in 2013. He has covered almost three districts in relief work by distributing relief material, and has carried away affected people to the safe location, and in distributing ration to affected people. This all has been done efficiently by conducting a team of youth enthusiast mobilised by social media and had come from all over the country.
4. He created a movement in Mukherjee Nagar, New Delhi, for almost three months in 2014, of youth civil services aspirants against the introduction of C-SAT paper in UPSC prelims exam for civil services by the government and succeeded to bring down the government to roll back their decision on C-SAT paper as it has been made qualifying now in prelims examination. The PAN Card of the petitioner as Proof of Identity is annexed herewith as **ANNEXURE P/1 (Page 15)** to instant petition.

5. That, petitioner has no personal interest, or any private/oblique motive in filing the instant petition.
6. That, there is no civil, criminal, revenue or any litigation involving the petitioner, which has or could have a legal nexus with the issues involved in the instant petition.
7. That, the petitioner is filing the instant Petition on their own volition and shall be liable to pay costs as ordered by this Hon'ble Court in the event, if it is found that this petition is filed for any personal gain or with an oblique motive.
8. That, the instant petition is based upon the information/documents which are well within the public domain and it is in the pleasure of this Hon'ble Court to take a judicial notice thereof.
9. That, the Respondent No. 1 is the State of Maharashtra, through the Secretary, Ministry of Home Affairs, through the office of its Secretary, being the concerned authority responsible for domestic policy in the State.
10. That, the Respondent No. 2 is the Brihanmumbai Municipal Corporation (BMC), Mumbai, Maharashtra, which has illegally detained Mr. Vinay Tiwari, the detainee IPS, posted as Superintendent of Police (SP) at Patna (Central).
11. That, Respondent No. 3 is the Commissioner of Police, Mumbai, Maharashtra.

12. That, Respondent No. 4 is the State of Bihar, through the Secretary, Ministry of Home Affairs, which is responsible for the domestic policy in the State and *inter alia*, controls the Police Force in the State.
13. That, Respondent No. 5 is the Director General of Police (DGP), State of Bihar, under whose directions Mr. Vikas Tiwari (detainee) went to State of Maharashtra, to join in the on-going investigation led by the SIT of Patna Police.

FACTS OF THE CASE:

14. That, an FIR in connection with the deceased actor Sushant Singh Rajput Suicide/Murder Case, was lodged by Sri K. K. Singh, father of the said actor, against actress Rhea Chakraborty and others, at Rajiv Nagar Police Thana in Patna on 25th July, 2020, registered under Sections 306, 341, 342, 380, 406 and 420 of Indian Penal Code, 1860.
15. That, in pursuance of the said FIR a Special Investigation Team (SIT) of 4-officers went to Maharashtra for investigation on Monday, 27th August, 2020.
16. That, under directions of Bihar Police, Mr. Vinay Tiwari, IPS, the detainee, in order to lead and co-ordinate with the investigation being carried on by the 4-member SIT of Patna Police, reached Mumbai, Maharashtra on Sunday, 2nd August, 2020.
17. That, upon his arrival, Mr. Vinay Tiwari, the detainee, was forcibly quarantined forthwith, in blatant violation of the

Guidelines for Quarantine and utter disregard for the Fundamental Rights of the detainee and the criminal justice machinery.

18. That, the alleged quarantine of the Detainee is without any legal sanction and in derogation to the guidelines issued by the Ministry of Civil Aviation and State of Maharashtra wherein it provides that if the Passenger is returning within 7 days of his arrival, there shall be no quarantine. A true copy of the guidelines issued is being annexed hereto and marked as **ANNEXURE P/2**. (Page Nos. 16 to 25)
19. That, a team of four police officers had already been sent to Mumbai and were investigating the case since Monday, 27th August, 2020, all of whom have returned to Bihar and have submitted a report of their investigation containing statements of witnesses recorded in a period of 11 days.
20. That, the detention and alleged quarantine of Mr. Vinay Tiwari, an IPS officer on-duty, by the BMC is *ultra vires* and violative of his Fundamental Rights under Articles 14 & 19 as the guidelines of 14-Day Quarantine is not applicable to him. Further, the Detainee is not being sent back or allowed to back to Bihar and as such is a violation of his Fundamental Rights under Articles 20, 21 and 22.
21. That, the detention of the IPS officer on-duty, in the garb and under the pretext of allegedly quarantining is illegal, *mala fide*, *ultravires* and goes against the procedure and guidelines of quarantine as issued for the said purpose.

22. That, the alleged quarantine of the Detainee by the BMC and such forceful detention shows a total non-application of mind on the part of the detaining authority inasmuch as without considering the facts and circumstances of the case the Detainee was forcefully and illegally quarantined, inasmuch as, the Guidelines state that:

“Local district/Municipal Administration will be authorised to give exemption in home isolation for contributing to an office or for other important work after checking the passengers.”

23. That, the detainee IPS officer who reached Mumbai in pursuance of lawful discharge and execution of his official duty in connection to a case assigned to him and as such, the detaining authority ought to have granted him exemption or given a statement of reasons for the rejection of the same when a request for grant of exception was made by the DGP of Bihar Police to the detaining authority which was rejected.
24. *That*, even if an exception could not have been made for the Detainee, the detaining authority must have allowed him to go back to Patna as under the scheme of quarantine laid down in the guidelines and as such his forceful alleged quarantine amounts to illegal house arrest and unlawful detention.
25. That, it is submitted that there is misuse of power on the part of the detaining authority in forcefully quarantining the Detainee when his period of visit was not at all, more than 7 days, in which case he should not have been quarantined as under the guidelines and assuming that the period of visit exceeded 7 days, the

Detainee ought to have been allowed to head back to Bihar which is a gross violation of the his Fundamental Rights under Articles 14, 19, 20, 21 and 22 of the Constitution.

26. That, the State of Bihar (Resp. no. 4) has until now, taken no steps to seek release of its decorated IPS officer who has been illegally detained in the middle of an ongoing investigation, on the shady pretext of sham quarantine norms/rules.
27. That, the petitioner apart from being a resident of Bihar is a public spirited and concerned citizen of India, and being very shaken by the mysterious demise of an actor (Sushant Singh Rajput) from his native State (Bihar), is further deeply distressed by the action of the respondents 1, 2 & 3, blatantly violating the fundamental rights of an up-standing IPS officer of his State and unjustifiably and crookedly meddling in the administration of the criminal justice system, approaches this Hon'ble Court, beseeching for the release of Mr. Vinay Tiwari, IPS, to be set at liberty, without further ado.
28. That, in view of the above, the petitioner herein has no other equally efficacious and alternative remedy, but to approach this Hon'ble Court under Article 32 of the Constitution, *inter alia*, on the following grounds:

GROUND

- A. FOR THAT, the detention and alleged quarantine of the Detainee by the BMC is *ultra vires* and violative of his Fundamental Rights under Articles 14 & 19 as the guidelines of 14-Day Quarantine is not applicable to him.

Further, the Detainee is not being sent back or allowed to back to Bihar and as such is a violation of his Fundamental Rights under Articles 20, 21 and 22.

- B. FOR THAT, the detention of the IPS officer on-duty in the garb and under the pretext of allegedly quarantining is illegal, *mala fide*, *ultravires* and goes against the procedure and guidelines of quarantine as issued for the said purpose.
- C. FOR THAT, the alleged quarantine of the Detainee by the BMC and such forceful detention shows a total non-application of mind on the part of the detaining authority inasmuch as without considering the facts and circumstances of the case the Detainee was forcefully quarantined.
- D. FOR THAT, the detainee IPS officer who reached Mumbai in pursuance of lawful discharge and execution of his official duty in connection to a case assigned to him and as such, the detaining authority ought to have granted him exemption or given a statement of reasons for the rejection of the same when a request for grant of exception was made by the DGP of Bihar Police to the detaining authority which was rejected.
- E. FOR THAT, even if an exception could not have been made for the Detainee, the detaining authority must have allowed him to go back to Patna as under the scheme of quarantine laid down in the guidelines and as such his forceful alleged

quarantine amounts to illegal house arrest and unlawful detention.

F. FOR THAT, it is submitted that there is misuse of power on the part of the detaining authority in forcefully quarantining the Detainee when his period of visit was no more than 7 days in which case he should not have been quarantined as under the guidelines and assuming that the period of visit exceeded 7 days, the Detainee ought to have been allowed to head back to Bihar which is a gross violation of the his Fundamental Rights under Articles 14, 19, 20, 21 and 22 of the Constitution.

29. That, in the light of the submissions adumbrated hereinbefore, it is expedient, necessary and imperative, that this Hon'ble Court may issue a writ of Habeas Corpus and/or a writ in the nature of habeas corpus or any other appropriate writ, order or direction, quashing and setting aside the order of illegal detention portrayed as 14 day alleged quarantine, which in essence is an order of detention, and directing the Respondent No. 1 and 2 to set the Detainee at liberty, forthwith.

30. That, the petitioner has not filed any other petition seeking the same relief(s) in any other Court.
31. The Petitioners are praying for exemption from filing attested affidavit in the prevailing circumstances and undertakes to file any court fees deficit subsequently.
32. This Writ Petition is made *bona fide* and in the interest of justice.

PRAYER

In the facts and circumstances above mentioned the Petitioner most respectfully prays that this Hon'ble Court may graciously be pleased to:

- a) Issue a writ of Habeas Corpus and/or a writ in the nature of habeas corpus or any other appropriate writ, order or direction, quashing and setting aside the order of illegal detention portrayed as 14 day alleged quarantine, which in essence is an order of detention, and

directing the Respondent No. 1 and 2 to set the Detainee at liberty,
forthwith;

- b) Pass such other and further order(s) in addition to or in
substitution for, as this Hon'ble Court may deem fit and proper in
the facts and circumstances of the case.

**FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL
AS IN DUTY BOUND, SHALL EVER PRAY.**

DRAWN BY:

MR. RAJESH INAMDAR,
MR. SHASHWAT ANAND.
MR. ANKUR AZAD
ADVOCATES

FILED BY:

(MITHU JAIN)
Advocate for the Petitioner

Drawn on: 06.08.2020
Filed on: 06.08.2020

IN THE SUPREME COURT OF INDIA
EXTRA ORDINARY JURISDICTION
WRIT PETITION (CIVIL) NO. _____ 2020

IN THE MATTER OF:

MR. NALIN N MISHRA

....PETITIONER (S)

-VERSUS-

STATE OF MAHARASHTRA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Mr. Nalin N Mishra

presently in

Ramghad, Jharkhand, do hereby solemnly declare as under: -

1. That I am the Petitioner in the instant petition and I am fully competent and authorized to swear and depose this affidavit and fully aware of the facts and circumstances of the present case.
2. I say that I have read and understood the contents of the Synopsis & List of Dates at pages **B to E** and contents of Writ Petition as contained in paras **1 to 28**. I state that the averments of facts made therein are true to my knowledge, based on records, information from the news-papers and those of submission of law made in grounds, prayer, and interlocutory applications are true and correct to the best of my knowledge and belief.
3. That the Annexures filed along with the Writ Petition are true copies of their respective originals.

4. That the Petitioner (s) are/is preferring the present Petition in larger public interest and that there is no personal gain private motive or oblique reason in filing the Public Interest Litigation.
5. That the Petitioner(s) are/is seeking exemption from attestation of the instant affidavit, and undertakes to furnish an attested affidavit at a later stage.

NALIN N. MISHRA

DEPONENT

VERIFICATION:

Verified at Ramghad, Jharkhand on this 6th day of August 2020 that the contents of this affidavit are based on the information derived from the records and also on the basis of the information received and believed to be correct. No part of it is false and nothing material has been concealed or suppressed there from.

NALIN N. MISHRA

DEPONENT

ANNEXURE P/2

State		
Delhi	Institutional Quarantine	07 days for international passengers. Government facility at no charge, alternatively paid quarantine at designated hotels
	Home Quarantine	07 days for international passengers (post institutional quarantine of 07 days) Asymptomatic passengers will be permitted to go with an advice for self-monitoring
	COVID test	NA
	Passenger Obligation	All passenger to download Aarogya Setu app
	Airlines Obligation	NA
	Airport/State obligation	- Suitable COVID 19 precautionary measures announcements to be made at airport - Thermal screening of all passengers on arrival
Haryana	Institutional Quarantine	No quarantine
	Home Quarantine	14 days Asymptomatic passengers will be permitted to leave the airport
	COVID test	NA
	Passenger Obligation	- All passengers need to download Aarogya Setu app - Passenger flying to Chandigarh must fill Self-declaration form
	Airlines Obligation	To provide a passenger manifest to State Health Authority on following email addresses: Acshome2016@gmail.com Dhs.idspdatam@hry.nic.in Csrso1968@yahoo.com Charuballips@gmail.com
	Airport/State obligation	- Suitable COVID 19 precautionary measures announcements to be made at airport - Thermal screening of all passengers on arrival
Himachal Pradesh	Institutional Quarantine	14 days , if coming from RED zones
	Home Quarantine	14 days , if passenger carrying COVID 19 negative test report from LAB authorized from ICM within 02 days of departure.
	COVID test	NA
	Passenger Obligation	All passengers to download Aarogya Setu app
	Airlines Obligation	N/A
	Airport/State obligation	- Thermal screening - Entry/Exit from State borders will be allowed only from 6 A.M. – 8P.M.
Jammu & Kashmir	Institutional Quarantine	14 days
	Home Quarantine	- Defense personnel – No quarantine - State domicile – Swab test & home quarantine if results negative
	COVID test	Mandatory COVID 19 test upon arrival (except defense personal)
	Passenger Obligation	To fill up ICMR Health form on arrival
	Airlines Obligation	- Inform passenger that there will be mandatory test on arrival and institutional quarantine if found negative. - Deplane passenger from rear of aircraft
	Airport/State obligation	- Passenger will be tested at Airport. - Post that they will be kept in Institutional quarantine until resulted negative for Test (4 days for test results).

		Post negative result passengers will be kept in home quarantine
Madhya Pradesh	Institutional Quarantine	10 days , if symptomatic on arrival and tested positive. if symptomatic institutional quarantine till test result
	Home Quarantine	7 days
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	Thermal screening and health profiling on arrival. If symptomatic, COVID test to be performed and institutional quarantine till test result.
Punjab	Institutional Quarantine	07 days (for International passengers Only)
	Home Quarantine	14 days
	COVID test	Random (20%)
	Passenger Obligation	Before boarding, passenger to register on COVA Punjab app.
	Airlines Obligation	NA
	Airport/State obligation	Registration to be checked for each passenger
Chandigarh	Institutional Quarantine	No quarantine
	Home Quarantine	14 days
	COVID test	Random test for residents of Punjab only.
	Passenger Obligation	All arriving customer will have to fill the Health declaration form
	Airlines Obligation	- Customers to be informed about COVID 19 arrival process before boarding - Airlines to ensure that all other arriving passengers (not belonging to Punjab) names, address & mobile numbers to be provided to the State - Station managers to provide arriving passenger list to Nodal officer in advance
	Airport/State obligation	All residents of Punjab should undergo COVID 19 test (free of costs)
Uttar Pradesh	Institutional Quarantine	07 days (for International passengers only)
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	- Passenger will need to register state website before they exit the arrival hall Web Link : https://reg.upcovid.in or call 1800-180-5145 - Passenger coming for short duration (< 7days) & travelling to some other destination will have to submit their travelling details & will be exempted from quarantine measures.
	Airlines Obligation	NA
	Airport/State obligation	Passenger will be allowed to exit after successful registration & display of the message
Uttarakhand	Institutional Quarantine	7 days (for pax arriving from high load COVID-19 infected cities(31 Districts)) Government facility at no charge, alternatively paid quarantine at designated hotels
	Home Quarantine	14 days (post completion of Institutional Quarantine)
	COVID test	Random
	Passenger Obligation	- All passengers travelling to Uttarakhand need to register on state website. - Web link : https://dsclservices.in/uttarakhand-migrant-registration.php

		Institutional quarantine accommodation options to be opted by passengers. Government facility is at no charge, alternatively paid quarantine at designated hotels is offered to the passengers. List of high load COVID-19 infected cities can be viewed from state website.
	Airlines Obligation	NA
	Airport/State obligation	NA
Andaman and Nicobar Islands	Institutional Quarantine	NA
	Home Quarantine	14 days
	COVID test	Random
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	NA
Assam	Institutional Quarantine	7 days Exemptions : a) Pregnant women, b) Elderly person above 75 years, c) Person due to attend funeral of immediate relation, d) Children below 10 years, e) Divyang, f) Immediate relative of hospitalized patients, g) People pre-existing health conditions.
	Home Quarantine	7 days (post completion of institutional quarantine)
	COVID test	Covid tests are being done at Institutional Quarantine centers.
	Passenger Obligation	Health Declaration form prescribed by state to be filled by passengers at arrival.
	Airlines Obligation	- Distribute health declaration form to passenger at arrival. - Forms to be distributed at boarding gate of origin station if made available by the state government. - Airlines are required to furnish the passenger manifest to the State government Health Authorities
	Airport/State obligation	Thermal scanning for all arriving passengers at exit point
Bihar	Institutional Quarantine	No quarantine
	Home Quarantine	No quarantine
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	Thermal screening for arriving passengers
Chhattisgarh	Institutional Quarantine	No quarantine
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	- Passenger to do registration for E-pass before their journey on the below link - Link : http://epass.cgccovid19.in
	Airlines Obligation	If passenger found symptomatic upon arrival, airline will guide customer along with their bags to the dedicated medical room.
	Airport/State obligation	- Thermal screening of passengers. - Register arriving passenger.
Jharkhand	Institutional Quarantine	NA

	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	NA
Manipur	Institutional Quarantine	14 days
	Home Quarantine	NA
	COVID test	NA
	Passenger Obligation	- Install & register QuarMon App https://quarmonmanipur.nic.in - Currently only available for android user. Soon app will be available for IOS. - Instruction in the app to be followed by all arriving passengers.
	Airlines Obligation	NA
	Airport/State obligation	NA
Nagaland	Institutional Quarantine	14 days (All passengers)
	Home Quarantine	14 days (post institutional quarantine of 14days) 28 days with active surveillance for - Person above the age of 60 years, - Children & parents of children 10 years & below & - Pregnant women & accompanying spouse
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	Necessary documentation & mobile app download shall be done during institutional quarantine.
Odisha	Institutional Quarantine	No quarantine
	Home Quarantine	14 days Exception if exiting Odisha within 72 Hours.
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	NA
Tripura	Institutional Quarantine	Passengers with foreign travel history in last 28 days to be kept in institutional quarantine till the results are declared.
	Home Quarantine	14 days
	COVID test	Random sample collection (every 5 th passenger)
	Passenger Obligation	Passenger going to Bangladesh will be via Akhaura check-post will be transported via special transport on payment basis.
	Airlines Obligation	NA
	Airport/State obligation	- Thermal screening on arrival. - Collect details of passengers coming to Tripura for stay more than 72 hours & advise for home quarantine & self-monitor health. - Passengers coming for stay less than 72 hours will be permitted to go on the condition that they shall self-monitor the health.
Meghalaya	Institutional Quarantine	48 hours
	Home Quarantine	N/A
	COVID test	NA
	Passenger Obligation	Arriving passengers should register on the state portal

		• Web link : http://meghalayaonline.gov.in/covid/registerall.htm • Passenger to confirm itinerary post registration on below numbers between 10 AM – 08 PM • Asst Commissioner of Transport -7005629354 • DGM MTC – 8974254116 / 9863064839 • Pool officer Transport Dept - 943610338
	Airlines Obligation	NA
	Airport/State obligation	NA
Mizoram	Institutional Quarantine	14 days (to be opted by passenger)
	Home Quarantine	21 days (to be opted by passenger)
	COVID test	All arriving passenger opting for home quarantine should undergo COVID 19 test on arrival.
	Passenger Obligation	Health status to be certified on Aarogya Setu App before departure. Passenger need to register themselves on the state website (link below) for the quarantine options. Passenger can choose either • 14 days of Institutional quarantine OR • 21 days of home quarantine. • Website link : https://mcovid19.mizoram.gov.in/
	Airlines Obligation	NA
	Airport/State obligation	Self- declaration form to be taken from arriving passenger
West Bengal Kolkata	Institutional Quarantine	NA
	Home Quarantine	14 days Asymptomatic passengers will be permitted to go with an advice for self-monitoring
	COVID test	NA
	Passenger Obligation	• Fill up and submit the declaration form using Sandhane App developed by H&FW Department West Bengal. Link http://74.50.58.66/systems/Sandhane/1.2/Sandhane_Gen.apk
	Airlines Obligation	• Digital self-declaration form which is to be submitted by airlines to State Health Authority on daily basis.
	Airport/State obligation	• Thermal screening on arrival • All passengers are to submit self-declaration form at the time of arrival to state health officials
West Bengal Bagdogra	Institutional Quarantine	NA
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	NA
Goa	Institutional Quarantine	Post Covid test till result is out.
	Home Quarantine	14 days (to be opted by passenger)
	COVID test	Mandatory for passengers without COVID test certificate.
	Passenger Obligation	• Passenger to choose one of the following option 1. Produce a COVID-19 negative certificate issued within 48hrs by ICMR recognized lab. 2. Mandatory – If point 1 is not valid then all passengers must get the test done at airport by paying 2000 and be in paid institutional quarantine till result is out OR passenger can opt for 14 days home quarantine with stamp. 3. Declaration form to be filed before or on arrival into Goa

	Airlines Obligation	If the form is made available, same to be handed on departure to save time on arrival.
	Airport/State obligation	• Temperature check on arrival by state. • Self-declaration form to be filled and submitted at the entry point & to give consent for • COVID testing – charges (INR 2,000)
Gujarat	Institutional Quarantine	NA
	Home Quarantine	NA
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	NA
	Institutional Quarantine	NA
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	NA
	Institutional Quarantine	NA
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	• Passengers need to register before landing in Surat. • For android user there is app as well both links as below, https://www.suratmunicipal.gov.in/EServices/Covid19SelfReporting https://play.google.com/store/apps/details?id=in.smc.covidout
	Airlines Obligation	NA
	Airport/State obligation	Thermal check on arrival by state administration
	Home Quarantine	No quarantine
	COVID test	NA
Rajasthan	Passenger Obligation	• Download the Indore 311 app & do a self-registration before arrival. • Passenger are required do a health status update on 311 app for next 14 days.
	Airlines Obligation	NA
	Airport/State obligation	• Temperature check on arrival by state. • Self-declaration form to be filled with self-details and to be given.
	Institutional Quarantine	No quarantine
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	• Self-Health declaration to be given by passengers and go through screening process • Symptomatic passengers will be isolated and taken to nearest health facility.
	Airlines Obligation	All airlines must submit passenger's details with mobile numbers in advance: FLIGHTS.INWARD@RAJASTHAN.GOV.IN
Maharashtra Aurangabad	Airport/State obligation	NA
	Institutional Quarantine	NA
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	All passengers to download Aarogya Setu app and furnish self-declaration on arrival.

		Passengers visiting BOM for short duration (≤ 7 days) need to share the details of onward journey
	Airlines Obligation	Detailed list of arriving passengers with arrival flight, time, mobile number & residential address to be shared with Nodal officer.
	Airport/State obligation	Thermal check at arrivals. Stamping of passengers on left hand.
Maharashtra Pune	Institutional Quarantine	NA
	Home Quarantine	14 days
	COVID test	NA
	Passenger Obligation	- All passenger to download Aarogya Setu app & furnish declaration - Passengers to submit Health declaration form on arrival
	Airlines Obligation	Details for all arrival passengers in given format needs to be forwarded to Collector office, Pune on the below mentioned email id's: punecovid19in@gmail.com commissioner.revenue@gmail.com dmcell@punecorporation.org warroom@pcmcindia.gov.in
	Airport/State obligation	- Thermal screening of arrival pax. - Stamping of all arriving pax on left hand.
Maharashtra Shirdi	Institutional Quarantine	10 days
	Home Quarantine	4 days (Post institutional quarantine of 10days)
	COVID test	NA
	Passenger Obligation	All passengers to download Aarogya Setu app and furnish self-declaration on arrival. Passengers visiting BOM for short duration (≤ 7 days) need to share the details of onward journey
	Airlines Obligation	Detailed list of arriving passengers with arrival flight, time, mobile number & residential address to be shared with Nodal officer.
	Airport/State obligation	Thermal check at arrivals. Stamping of passengers on left hand.
Maharashtra Nagpur	Institutional Quarantine	NA
	Home Quarantine	14 days Exemption (pax with less than 3 days of stay)
	COVID test	NA
	Passenger Obligation	All passengers to download Aarogya Setu app and furnish self-declaration on arrival. Passengers visiting BOM for short duration (≤ 7 days) need to share the details of onward journey
	Airlines Obligation	Detailed list of arriving passengers with arrival flight, time, mobile number & residential address to be shared with Nodal officer.
	Airport/State obligation	Thermal check at arrivals. Stamping of passengers on left hand.
Maharashtra Mumbai	Institutional Quarantine	7 days (for international arrival passengers followed by 7 days home quarantine)
	Home Quarantine	14 days and if returning within 7 days then no quarantine
	COVID test	NA
	Passenger Obligation	All passengers to download Aarogya Setu app and furnish self-declaration on arrival. Passengers visiting BOM for short duration (≤ 7 days) need to share the details of onward journey

	Airlines Obligation	Detailed list of arriving passengers with arrival flight, time, mobile number & residential address to be shared with Nodal officer.
	Airport/State obligation	Thermal check at arrivals. Stamping of passengers on left hand.
Maharashtra Kolhapur	Institutional Quarantine	07 days
	Home Quarantine	07 days (post institutional quarantine) and if returning within 7 days then no quarantine
	COVID test	NA
	Passenger Obligation	All passengers to download Aarogya Setu app and furnish self-declaration on arrival. Passengers visiting BOM for short duration (<= 7 days) need to share the details of onward journey
	Airlines Obligation	Detailed list of arriving passengers with arrival flight, time, mobile number & residential address to be shared with Nodal officer.
	Airport/State obligation	Thermal check at arrivals. Stamping of passengers on left hand.
Andhra Pradesh	Institutional Quarantine	7 days . Covid test is done (Passengers coming from MAA, BOM, DEL, Gujarat, Rajasthan & Madhya Pradesh)
	Home Quarantine	14 days (Passengers arriving from remaining locations)
	COVID test	Pax are taken to designated test center for swab test. No test at Airport
	Passenger Obligation	- All arriving passengers should enroll on website spandana.ap.gov.in before buying the ticket
	Airlines Obligation	- Permit bookings only when clearance from spandana is available. - Airlines must not allow to board any passengers without the clearance.
	Airport/State obligation	Do a COVID test for passengers coming from MAA, BOM, DEL, Gujarat, Rajasthan & Madhya Pradesh
Telangana	Institutional Quarantine	No quarantine
	Home Quarantine	No quarantine
	COVID test	NA
	Passenger Obligation	NA
	Airlines Obligation	NA
	Airport/State obligation	NA
Karnataka	Institutional Quarantine	7 days (to be followed by 14 days home quarantine) - Passengers coming from Maharashtra should be kept in institutional Quarantine followed by 14 days home quarantine. - Business travelers from Maharashtra having a confirmed return ticket within 7 days from arrival are exempted from 7 days of institutional quarantine provided they have COVID negative certificate issued not more than 2 days before the date of arrival. If not, the passengers will be kept in 2 days of institutional quarantine where they will be tested (charges to be paid by passenger). Upon negative result the passengers will be allowed to proceed.
	Home Quarantine	14 days - Passengers coming from remaining states - Below categories of passenger exempted if COVID 19 test found negative - Pregnant women - Children 10 years and below - Senior citizens 60 yrs & above

		d) Terminally ill patients (cancer / chronic kidney disease / stroke) e) Death in family
	COVID test	NA
	Passenger Obligation	- Passenger needs to have Seva-Sindhu portal pass. https://sevasindhu.karnataka.gov.in/Sevasindhu/English - Passenger cannot travel without the pass. - Passenger should fill self-declaration form provided by govt. of Karnataka at Departing/Origin station
	Airlines Obligation	Mandatory verification at origin that passenger has E-pass & registered in Seva-Sindhu portal
	Airport/State obligation	NA
Kerala	Institutional Quarantine	NA
	Home Quarantine	14 days (Business travelers with stay less than a week are exempted)
	COVID test	NA
	Passenger Obligation	- After obtaining the flight tickets, passenger shall register their details in https://covid19jagratha.kerala.nic.in/. - Below are the following instructions: (covid19 jagratha portal –Public Services-Domestic Returnees Pass – new registration – enter details –submit). One has to select the airport of arrival. - Arrival passenger need to carry e-pass after registering their details. In state's COVID jagratha portal. - CCJ - No counters, e pass mandate from origin. - TRV - if pax don't have an e pass - intuitional quarantine till you get the pass. Pax will not be sent back. - COK - Need to fill form at origin. Incase of a miss, pax can fill an manual form on arrival. However the health officer will not entertain large numbers. - On arrival, passenger to show their e-pass to health department at airport and undergo home quarantine for 14 days. - Passenger should fill self-declaration form provided by govt. of Kerala at departing/Origin station. - Passengers must have the entry pass for Kerala plus any other state or UT to which the traveler is finally deciding to go after alighting from flights.
	Airlines Obligation	- Mandatory verification at origin that passenger has E-pass & registered in Kerala portal at Origin. - Airlines must ensure that any passenger boarding the flight to any airport in Kerala MUST have either an entry pass for either Kerala OR any other state or UT to which such traveler is finally deciding to go after alighting from flights.
	Airport/State obligation	NA
Tamil Nadu	Institutional Quarantine	14 days (ONLY if home quarantine facility is not available for passengers)
From other states to Tamilnadu	Home Quarantine	14 days
	COVID test	ALL passengers coming from the states of Maharashtra, Gujarat & Delhi will be tested for COVID upon arrival.

	Passenger Obligation	- All passengers travelling to Tamil Nadu need register on state website and apply for TN e-pass. - Link https://tnepass.tnega.org/
	Airlines Obligation	- Mandatory verification at origin that passenger has TN e-pass & registered in portal at Origin. - Once a customer lands, in case he/she does not have pass, they have counters at the arrival to support customers at MAA, IXM.
	Airport/State obligation	- ALL passengers coming from the states of Maharashtra, Gujarat & Delhi will be tested for COVID upon arrival. - For passengers coming other states, only symptomatic passengers will be tested for Covid.
MAA to other airports in Tamil nadu	Institutional Quarantine	1 day (until the test results are declared)
	Home Quarantine	7 days Passengers travelling for business returning within 48 hrs are exempted.
	COVID test	NA
	Passenger Obligation	- All passengers travelling from MAA to other districts need register on state website and apply for TN e-pass. - Link https://tnepass.tnega.org/ - Furnish travel details if travelling for duration of 48 hours or less.
	Airlines Obligation	Mandatory verification at MAA that passenger has TN e-pass & registered in portal at Origin.
	Airport/State obligation	ALL passengers coming from MAA will be tested for COVID upon arrival.

*: The details should also be confirmed from the website of the concerned State Government

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL/ORIGINAL/APPELLATE/JURISDICTION

W.P. (Civil) No. _____ OF 2020

IN THE MATTER OF:**NALIN N. MISHRA**

...PETITIONER(S)

VERSUS

STATE OF MAHARSHTRA & ORS.

RESPONDENTS

VAKALATNAMA

I, **NALIN N. MISHRA** Petitioner in the above Petition do hereby appoint and retain **MITHU JAIN** Advocate Supreme Court to act and appear for me in the above Petition and on my behalf to conduct and prosecute/defend the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review, and to file and obtain, return of documents, and to deposit and received any money on my behalf in the Petition and in application of Review, and to represent me, and to take all necessary steps on my behalf in the above matter. I agree to pay her fees and our pocket expenses, agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority.

Dated this the 6th day of August 2020**ACCEPTED AND IDENTIFIED AND CERTIFIED****(MITHU JAIN)**
ADVOCATE**NALIN N. MISHRA**
Petitioner

MEMO OF APPERANCE

To,
THE REGISTRAR
SUPREME COURT OF INDIA
NEW DELHI-110001

Sir,

Kindly enter my appearance in the above-mentioned petition/Appeal made on behalf of the Petitioner.

Yours Faithfully

**MITHU JAIN**

Advocate for the Petitioner
CGU 103, DLF Capital Greens,
Moti Nagar, New Delhi- 110015

New Delhi
Dated: 06.08.2020

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