

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 574 of 2020

Petitioner :- In-Re Inhuman Condition At Quarantine Centres And For Providing Better Treatment To Corona Positive

Respondent :- State of U.P.

Counsel for Petitioner :- Gaurav Kumar Gaur, Aditya Singh Parihar, Amitanshu Gour, Jitendra Kumar, Katyayini, Rahul Sahai, Rishu Mishra, S.P.S. Chauhan, Satyaveer Singh, Shailendra Garg, Sunita Sharma, Swetashwa Agarwal, Uttar Kumar Goswami

Counsel for Respondent :- C.S.C., Dhiraj Singh, Hari Nath Tripathi, Purnendu Kumar Singh, Satyavrat Sahai, Sunil Dutt Kautilya

Hon'ble Siddhartha Varma, J.

Hon'ble Ajit Kumar, J.

Civil Misc. Intervener Application No.- 57 of 2020 & Civil Misc. Intervener Application No.- 58 of 2020

These applications have been moved by the applicants, namely, M/s Sainik Sweets Private Limited and Brijesh Kumar Kushwaha; M/s Yame Fast Food, Aditya Arpan Nigam, M/s Pick & Dine and Shishir Nigam with the following prayer:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may kindly be pleased to hear the applicant-interveners in the interest of justice in the instant case so that justice be done."

Order on the petition

In view of the instructions dated 01.10.2020, no order is required to be passed. We however, do hope and trust that the Police would investigate into the criminal cases which have been lodged against the applicants and shall take suitable action against them within shortest period possible.

From the record, it appears that the Government of India had promulgated certain guidelines in accordance to which hotels/ restaurants/ eateries (including thelas) would have to abide by.

We appreciate the action of the State Government and the Police for taking prompt action against such eateries/ restaurants where people are violating the guidelines issued by the Government of India and Uttar Pradesh Epidemic Disease Covid-19 Regulations, 2020 as also the various guidelines and mandamus which we have been issuing from time to time.

We appreciate the steps taken by the district and police administration of various districts in the State to enforce COVID-19 guidelines but we do feel that they need to remain constantly vigilant. However, to facilitate further control of the pandemic, we think it appropriate that for a period of six weeks, the State Government/ Administration may control the functioning of the eateries further. They would now permit the eateries which would include hotels, restaurants and small outlets to function only if they give undertakings which shall be to the following effect.

It may however, be noted that the requirement for functioning with the undertaking would not be a permanent feature but would remain operational for a period of six weeks from today.

The undertaking shall be to the following effect:-

- (i) If a restaurant permits people to have food inside its premises then it should see that the social distancing is maintained.
- (ii) No eatery shall allow its customer to hang around its premises and have food openly.
- (iii) Within five yards of every eatery, no customer/ individual should be seen without a mask.
- (iv) No person near the eatery should be allowed to throw any used plate, spoon or glass.
- (v) If any customer / individual is seen without a mask or having food within five yards of the eatery then definitely suitable action would follow.
- (vi) No roadside eateries and open air restaurants shall sell potable water.
- (vii) As far as possible any eatery having a turn over of more than Rs.5,000/- per day should have CCTV cameras installed.
- (viii) All eateries would make arrangements for selling their food articles in tightly packed/ sealed boxes which definitely would not be openable with ease after the customer leaves the eateries and the customer should thereafter open only at his residence.
- (ix) In case a customer misbehaves and does not listen to the owner, the owner shall be free to report the matter to the police, who shall be duty bound to take action.

In future, if there is any violation of these undertakings which would be given by owners of hotels/ restaurants/ eateries the police administration shall take action against them.

The guidelines with regard to the masks manufacturing would be framed as per the instructions issued by Indian Council for Medical Research (ICMR). The guidelines will be served upon the learned Standing Counsel, who shall accordingly, take action. Likewise guidelines with regard to manufacturing of sanitizers shall also be issued by the State Government in accordance with the ICMR Rules.

Sri P.K. Singh, learned counsel appearing for the Central Government, may serve the guidelines as have been issued by ICMR and State Government shall take action accordingly.

Further, we find, in compliance of the mandamus issued by this Court on 23rd September, 2020, Nagar Nigam, Prayagraj has issued a notification in certain daily newspapers with regard to certain guidelines that no employee would enter their premises without masks. They would also add in the notification that "No mask no entry". Even outsiders would not be allowed to enter, if they are not properly masked. Further notifications may be published to this effect in various daily newspapers in all the districts throughout the State of U.P. at the instance of all other Government departments.

Put up this matter on 7th October, 2020 at 2:00 P.M.

On the next date, we shall look into the reports of the Advocate Commissioners who have been appointed by the Court to look into the working of the various wards.

Order Date :- 1.10.2020

Atmesh

(Siddhartha Varma,J.)

(Ajit Kumar,J.)