

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (PIL) No. 58 of 2020

Sachdanand Dabral

....Petitioner

Versus

Union of India and others

....Respondents

Present:-

Mr. Shiv Bhatt, Advocate for the petitioner.

Mr. S.N. Babulkar, learned Advocate General, Mr. Vinod Nautiyal, Deputy Advocate General and Mr. Paresh Tripathi, learned Chief Standing Counsel assisted by Mr. Yogesh Pandey, Addl. C.S.C., Mr. Anurag Bisaria, Standing Counsel, for the State.

Mr. Rakesh Thapliyal, learned Assistant Solicitor General of India assisted by Mr. V.K. Kaparwan, Advocate for the Union of India.

Writ Petition (PIL) No. 51 of 2020

Rajendra Arya

....Petitioner

Versus

Union of India and others

....Respondents

Present:-

Mr. Piyush Garg, Advocate for the petitioner.

Mr. S.N. Babulkar, learned Advocate General, Mr. Vinod Nautiyal, Deputy Advocate General and Mr. Paresh Tripathi, learned Chief Standing Counsel assisted by Mr. Yogesh Pandey, Addl. C.S.C., Mr. Anurag Bisaria, Standing Counsel, for the State.

Mr. Rakesh Thapliyal, learned Assistant Solicitor General of India assisted by Mr. Sanjay Bhatt, and Mr. V.K. Kaparwan, Advocates for the Union of India.

Ms. Anjali Bhargava, Advocate for B.S.N.L.

Writ Petition (PIL) No. 50 of 2020

In Re in the Matter of to Provide Adequate Security to
Doctor and Other Para Medical Professionals

....Petitioner

Versus

Principal Secretary/Secretary, Health Department
Govt. of Uttarakhand and others

....Respondents

Present:-

Mr. Dushyant Mainali, petitioner in person.
Mr. S.N. Babulkar, learned Advocate General, Mr. Vinod Nautiyal, Deputy Advocate General and Mr. Paresh Tripathi, learned Chief Standing Counsel assisted by Mr. Yogesh Pandey, Addl. C.S.C., Mr. Anurag Bisaria, Standing Counsel, for the State.
Mr. Rakesh Thapliyal, learned Assistant Solicitor General of India assisted by Mr. V.K. Kaparwan, Advocate for the Union of India.

Writ Petition (PIL) No. 67 of 2020

D.K. Joshi

....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Present:-

Mr. Abhijay Negi, Advocate with Ms. Snigdha Tiwari, Advocate for the petitioner and Mr. D.K. Joshi, petitioner in person.
Mr. S.N. Babulkar, learned Advocate General, Mr. Vinod Nautiyal, Deputy Advocate General and Mr. Paresh Tripathi, learned Chief Standing Counsel assisted by Mr. Yogesh Pandey, Addl. C.S.C., Mr. Anurag Bisaria, Standing Counsel, for the State.
Mr. Rakesh Thapliyal, learned Assistant Solicitor General of India assisted by Mr. Sanjay Bhatt and Mr. V.K. Kaparwan, Advocates for the Union of India.

Writ Petition (PIL) No. 70 of 2020

Ram Swaroop

....Petitioner

Versus

State of Uttarakhand & others

....Respondents

Present:-

Mr. Navnish Negi, Advocate for the petitioner.
Mr. S.N. Babulkar, learned Advocate General, Mr. Vinod Nautiyal, Deputy Advocate General and Mr. Paresh Tripathi, learned Chief Standing Counsel assisted by Mr. Yogesh Pandey, Addl. C.S.C., Mr. Anurag Bisaria, Standing Counsel, for the State.

Hon'ble Sudhanshu Dhulia, J.
Hon'ble Ravindra Maithani, J.

Pursuant to our order dated 27.05.2020 as modified by order dated 28.05.2020, the District Legal Services Authorities have inspected the quarantine centers and have filed their reports. These District Legal Services Authorities are of Districts Nainital, Udham Singh Nagar, Haridwar and Dehradun.

2. The Registry shall make these reports available to the learned Advocate General for the State within twenty-four hours from today so that the State Government may study these reports and come back with the solutions by the next date of listing, as certain shortcomings have been pointed out in these reports.

3. The sense which we are getting after studying these reports is that the quarantine centers which have been established at Village level are the worst of the lot. These quarantine centres in villages are mostly functioning in

Government Primary Schools and Secondary Schools. Their condition, as per the reports is pitiable. First and foremost, there are no facilities in these centers to provide food to the inmates. Food is being provided by the villagers and the family members of the inmates. In many of these quarantine centers where the inmates are more than 20 to 30, there are only 1 or 2 toilets. What is most shocking is that the hygienic condition of these toilets is also extremely poor. Most of these toilets are not clean. Apart from this, many of the toilets which are in urban areas are in bad conditions, as these toilets are not being cleaned regularly.

4. The “Gram Sabhas” are also short of funds and they appear to be in no condition to manage these quarantine centers. We refer here to a Government Order dated 04.05.2020 passed by the Government of Uttarakhand wherein a duty has been cast upon the District Magistrate to coordinate with the “Gram Sabhas” and “Gram Pradhans” of such villages where these quarantine centers have been established, provide them with funds and see to it that these quarantine centers are properly managed. We are afraid that this is not being done properly as of now.

5. We therefore direct the Secretary, Health and the Secretary, Disaster Management, Government of Uttarakhand, who are also before us to pass appropriate orders to the District Magistrates so that their own order dated 04.05.2020 should be implemented in its letter and spirit and there are enough funds with the “Gram Sabhas” to manage and run these centers.

6. Meanwhile, the Secretary, Health, Government of Uttarakhand shall also study the reports given by the District Legal Services Authorities and shall come with the suggestions and shall reply by the next date of listing.

7. We also make it clear that pursuant to our earlier order dated 20.05.2020, where we had directed the State Government that as far as possible the quarantine centers should be established in border districts. We have presently been told that pursuant to the latest guidelines of the Government of India, the earlier restrictions which were existing for coming to Uttarakhand by and large have been lifted.

8. The State Government expects that a large number of people will be coming to Uttarakhand in the very near future and therefore it will not be possible for them to establish more quarantine centers in the border towns. We realise that under the changed situation it may not be practical for the authorities to establish new centres. Keeping these contingencies in mind we had qualified our order stating that "all possible efforts be made". Needless to say the authorities shall keep the emerging conditions in mind while implementing our order.

9. We, however, make it absolutely clear that the quarantine centres already existing should be improved, in the light of what we have already said above.

10. We direct the Secretary, Health, Government of Uttarakhand and the concerned District Magistrate to remove all the shortcomings in these quarantine centers.

11. What is absolutely necessary is to maintain the quarantine centers at village level, for which proper funds be provided to the “Gram Sabhas”, as contained in the Government Order dated 04.05.2020, for which there has to be a proper coordination between District Magistrates and the panchayat level officers and the elected representatives of the people. Where the “Gram Pradhans”, are presently not functioning, for whatever reason, alternative arrangements shall be made through a designated official by the concerned District Magistrate.

12. Let a detailed report be filed by the Secretary, Health on the next date of listing as to the rapid testing as directed by this Court vide order dated 20.05.2020.

13. This Court has also been informed that many of these quarantine centers are charging from the inmates. The Secretary, Health has apprised this Court that there are hotels earmarked as “quarantine centers”, for which Rs.950/- (Rupees Nine Hundred Fifty only) per person is being given by the State Government, only if a luxury hotel is demanded by the affected person is he being charged.

14. Let the details of such hotels and discrepancies be given by the State to this Court by the next date of listing.

15. List these cases on 17.06.2020.

(Ravindra Maithani, J.)

(Sudhanshu Dhulia, J.)

02.06.2020