

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A NO. ____ OF 2020

IN

SUO MOTU WRIT PETITION (CIVIL) NO. 7 OF 2020

IN THE MATTER OF:

IN RE: THE PROPER TREATMENT OF COVID 19 PATIENTS AND
DIGNIFIED HANDLING OF DEAD BODIES IN THE HOSPITALS ETC.

PETITIONER (S)

AND IN THE MATTER OF:

UNITED NURSES ASSOCIATION

THROUGH ITS DELHI STATE GENERAL SECRETARY

MR. JOLDIN FRANCIS,

OFFICE AT HOUSE NO. 194-195,

FIRST FLOOR, POCKET 5,

SECTOR 25, ROHINI, DELHI 110085.

APPLICANT

WITH

I.A. NO. _____ OF 2020

APPLICATION FOR INTERVENTION

PAPER BOOK

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR THE APPLICANT: BIJU P. RAMAN

IN THE SUPREME COURT OF INDIA

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APPLICATION FOR EXEMPTION FROM FILING

NOTARIZED AFFIDAVIT AND FOR LISTING DUE TO EXTREME

URGENCY

PAPER BOOK

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2	Annexure A-1.	1+3	
3	Vakalatnama & Memo.		
Total			

Filed by:

Place: New Delhi

Dated: 14.06.2020

(BIJU P. RAMAN)

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Mob. No. 95401694

BIJU P. RAMAN

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1	<u>I.A. NO. _____ OF 2020</u> Application seeking exemption from filing duly affirmed affidavit and listing due to extreme urgency.	1+3	
Total			

Filed by:

Place: New Delhi

Dated: 14.06.2020

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APPLICANT

APPLICATION FOR INTERVENTION

TO
THE HON'BLE CHIEF JUSTICE OF INDIA AND
HIS COMPANION JUSTICES OF
THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That this Hon'ble Court in Suo Motu Writ Petition No. 7 of 2020, vide order dated 12.06.2020, took cognizance of the proper treatment of COVID 19 patients and dignified handling of dead bodies in the hospitals. Further, this Hon'ble Court vide the said order issued notice to the Union of India, NCT of Delhi, States of Maharashtra, West Bengal, Tamil Nadu and Gujarat as well as to the LNJP Hospital in Delhi. We shall also consider issuing notice to other states, Government and Private hospitals.

2. That the instant application is being filed pursuant to the above-mentioned order of this Hon'ble Court through the Applicant – United Nurses Association (UNA), one of the largest nurses associations with 3.8 lakhs Nurses as its members representing the interest of the registered nurses through its constituents and its organizational affiliates. The United Nurses Association (UNA) is most noted for bringing up the issue of exploitation of nurses as underpaid labourers in the thriving private hospital industry in all over the country. Since 2012 the Petitioner Association has been working as a Trade Union with the help of no political party and not receiving any benefits from them.
3. Health care workers are at the front line of the COVID-19 outbreak response and as such are exposed to hazards that put them at risk of infection. Hazards include pathogen exposure, long working hours, psychological distress, fatigue, occupational burnout, stigma, and physical and psychological violence etc.
4. That the Applicant herein filed Writ Petition (C) Diary No. 10859/2020 titled as *United Nurses Association through its President Vs. Union of India & Ors* before this Hon'ble Court with following prayers:
 - (i) *Direct Respondent No.1 to formulate a National COVID19 Management Protocol for addressing the serious concerns relating to imminent and extreme risks posed to the health and safety of health care*

- workers throughout the territory of India; and*
- (ii) Direct Respondent No.1 to ensure that Covid-19 protection kits are made available to every single health care professional working in the corona isolation wards, or who work in close proximity of patients suspected to be infected with the virus; and*
 - (iii) Direct Respondent No.1 to ensure that all health care workers are trained on infection prevention and control (IPC), proper use and disposal of Personal Protection Equipment (PPE) etc;*
 - (iv) Direct Respondent No.1-3 to ensure that adequate and standard nutritious meals are provided to the health care workers; and*
 - (v) Direct Respondent No.1-3 to ensure that all nurses and other health care staff in Corona wards are provided with proper accommodation in close proximity to the hospitals / health care centres where they are discharging medical duties and functions; and*
 - (vi) Direct Respondent No.1-3 to ensure that adequate and prompt transport provided to all health care workers deputed in Corona wards; and*
 - (vii) Direct Respondent No.1 to ensure proper screening of suspected patients before entering the hospitals and other medical facilities and also to ensure speedy testing of suspected cases; and*
 - (viii) Direct Respondent No.1 to ensure that the*

infrastructure of hospitals and health care centres are temporarily expanded so as to provide separate and hygienic washrooms for staff; and

- (ix) Direct Respondent No.1-3 to expand the scope of personal accident cover provided under the 'Pradhan Mantri Garib Kalyan Package Health Workers Fighting COVID-19' to include all health care workers across sectors, including those recruited on ad-hoc basis; and*
- (x) Direct Respondent No.2 ensure that Landlords / Owners throughout the country be prohibited from adhering to the recent trend of evicting the health workers owing to their concern that their health will be in jeopardy; and*
- (xi) Direct Respondent No.1&3 to provide free testing facility and treatment for the healthcare workers in case of infection of Covid-19 while they are on duty. Families of the healthcare workers should be taken proper care while they are in quarantine or isolation; and*
- (xii) Direct Respondent No.1&3 to ensure that Private Hospitals are not charging or deducting salaries from the health care workers if they get infected Covid-19 while they are on duty; and*
- (xiii) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.*

5. That this Hon'ble Court vide order dated 15.04.2020 disposed

of the above mentioned Writ Petition with following observations:

“The Court is convened through Video Conferencing.

Heard learned counsel appearing on behalf of the petitioners as also learned Solicitor General appearing on behalf of the Union of India at length.

The petitioners in these two writ petitions sought certain directions to the Government of India to formulate a comprehensive policy for the welfare and safety of the health care workers. The petitioners sought almost 14 directions to be given to the Union of India. Out of them, some of the directions, particularly those relating to the availability of corona virus protection kits for health care workers and police protection, have already been covered by the detailed order passed by this Court in WP(C) D.No.10795 of 2020 on 08.04.2020 whereby certain interim directions were issued to the Government of India.

On the remaining issues raised by the petitioners in the writ petitions, learned Solicitor General submits that the Government has already created/set up Helpline Numbers/Control Room and they are monitoring the position on day-to-day basis.

In view of the above, we grant liberty to the petitioners to make complaint regarding their grievance on the Helpline Numbers/Control Rooms created/set up by the Government of India. We request the learned Solicitor General to provide a

copy of the same to the learned counsel for the petitioners by E-mail.

With the above-mentioned observations, the writ petitions stand disposed of”

A true copy of order dated 15.04.2020 passed by this Hon'ble Court in Writ Petition (C) Diary No. 10859/2020 is annexed herewith and marked as **ANNEXURE A-1 (PAGES TO)**.

6. It is submitted that after the order of this Hon'ble Court dated 15.04.2020 in Writ Petition (C) Diary No. 10859/2020 titled as *United Nurses Association through its President Vs. Union of India & Ors*, the Ld. Solicitor General has provided help line numbers in different states to the Applicant positively. The Applicant herein as well as various health care workers made large number complaints regarding their grievance through these Helpline Numbers /Control Rooms created/set up by the Government of India and the State Governments. It is pertinent to mention that in most of the cases the complainants did not get any response from these Helpline Numbers / Control Rooms in many states including Delhi, Maharashtra etc. and the health care workers are running from pillar to post for redressal of their serious grievances.
7. That it is submitted that in compliance to the order of this Hon'ble Court dated 15.04.2020 in Writ Petition (C) Diary No. 10859/2020 titled as *United Nurses Association through its President Vs. Union of India & Ors*, the Ld. Solicitor General

has provided help line numbers in different states to the Applicant positively. It is respectfully submitted that the Applicant herein as well as various individual health care workers tried to make large numbers of complaints regarding their grievance through these Helpline Numbers /Control Rooms created/set up by the Government of India and the State Governments. It is pertinent to mention that in most of the cases the complainants did not get any response from these Helpline Numbers / Control Rooms in most of the states including Delhi, Maharashtra etc. and the health care workers are still running from pillar to post for redressal of their serious grievances amid COVID 19.

8. That the health and safety (physical / mental) of health care workers are of utmost importance because further shortage of health care workers would result in thousands of unattended COVID-19 patients, which will have serious repercussions including escalation of the present situation and resultant impact on the economy, medical facilities, potential deaths and loss of human resource. During this tiring and difficult times the most pressing issues faced by the health care workers including the nurses and para-medical staffs in the country are the following:
 - (i) Non-availability of sufficient personal protective equipment (PPE) in numerous hospitals;
 - (ii) Non-availability of sufficient number of COVID-19 testing kits;

- (iii) Sub-standard Personal Protection Equipment's (PPE);
- (iv) Lack of training on infection prevention and control (IPC)
- (v) Lack of basic facilities in isolation wards; Isolation precautions are not being followed by WHO norms;
- (vi) Hourly disinfection is not being done in the wards;
- (vii) Mental harassment in the nature of forced over-time followed by negligible transport facilities and deduction of salary on account of leaves;
- (viii) Health care workers who are pregnant, lactating or immune compromised are being forced to work;
- (ix) Lack of accommodation, food, transportation etc.
- (x) Lack of free medical support for the health care workers and their families.
- (xi) Non-payment of salaries by the private hospitals.
- (xii) Continuous breach of Government guidelines by private hospitals;

Current evidence suggests that the virus that causes COVID-19 is transmitted between people through close contact and droplets. People most at risk of acquiring the disease are those who are in contact with or care for patients with COVID-19. This inevitably places health care workers at high risk of infection.

9. That by way of the present Application, the Applicant seeks to intervene and apprise this Hon'ble Court of certain pertinent measures that may be considered by the Respondents in order to alleviate the plight of the health care workers. It is therefore, the Applicant herein humbly praying for the following reliefs:

(a) To ensure that Covid-19 protection kits are made available to every single health care professional working in the COVID 19 wards, or who work in close proximity of patients suspected to be infected with the virus;

(b) To ensure that adequate and standard nutritious meals are provided to the healthcare workers;

(c) To ensure that all nurses and other health care staff in Corona wards are provided with proper accommodation in close proximity to the hospitals / health care centres where they are discharging medical duties and functions;

(d) To ensure that adequate and prompt transport provided to all health care workers deputed in Corona wards;

(e) To ensure proper screening of suspected patients before entering the hospitals and other medical facilities and also to ensure speedy testing of suspected cases.

(f) To ensure that all health care workers are trained on infection prevention and control (IPC), proper use and disposal of

Personal Protection Equipment (PPE) etc.;

- (g) To ensure that the infrastructure of hospitals and health care centers are temporarily expanded so as to provide separate and hygienic washrooms for staff;
 - (h) To expand the scope of personal accident cover provided under the 'Pradhan Mantri Garib Kalyan Package Health Workers Fighting COVID-19' to include all health care workers across sectors, including those recruited on ad-hoc basis.
 - (i) To provide free testing facility and treatment for the health care workers in case of infection of Covid-19 while they are on duty. Families of the health care workers should be taken proper care while they are in quarantine or isolation.
 - (j) To ensure the full and timely payment of salaries to the health care workers in the private hospitals.
 - (k) To ensure that Private Hospitals are not charging or deducting salaries from the healthcare workers if they get infected Covid-19 while they are on duty.
10. The Applicant has no personal interest, or private/oblique motives in filing the instant application but only seeks to intervene before this Hon'ble Court, in public interest, and in order to assist this Hon'ble Court.
11. That the Applicant is not involved in any litigation before any other forum/court/authority, which has a nexus with the

instant Application.

12. The present application has been moved bona fide and in the interest of justice. In the factual circumstances, the balance of convenience strongly tilts in favour of the Applicant. The interests of justice would be served if the Applicant herein is allowed to intervene in the matter.
13. The present application is being filed bonafide and in the interests of justice.

PRAYER

Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i) Allow the present application and permit the Applicant to intervene in the instant matter, i.e., in the Suo Motu Writ Petition No. 7 of 2020, titled, *"In Re: The Proper Treatment Of Covid 19 Patients And Dignified Handling Of Dead Bodies In The Hospitals Etc.; and*
- ii) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

**DRAWN BY:
SUBHASH CHANDRAN K.R.
ADVOCATE**

Filed by:

(BIJU P. RAMAN)
ADVOCATE FOR THE PETITIONER

Drawn on: 13.06.2020
Place: New Delhi
Dated: 14.06.2020

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- (xiii) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.*

5. That this Hon'ble Court vide order dated 15.04.2020 disposed

of the above mentioned Writ Petition with following observations:

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Heard learned counsel appearing on behalf of the petitioners as also learned Solicitor General appearing on behalf of the Union of India at length.

The petitioners in these two writ petitions sought certain directions to the Government of India to formulate a comprehensive policy for the welfare and safety of the health care workers. The petitioners sought almost 14 directions to be given to the Union of India. Out of them, some of the directions, particularly those relating to the availability of corona virus protection kits for health care workers and police protection, have already been covered by the detailed order passed by this Court in WP(C)...D.No.10795 of 2020 on 08.04.2020 whereby certain interim directions were issued to the Government of India.

On the remaining issues raised by the petitioners in the writ petitions, learned Solicitor General submits that the Government has already created/set up Helpline Numbers/Control Room and they are monitoring the position on day-to-day basis.

In view of the above, we grant liberty to the petitioners to make complaint regarding their grievance on the Helpline Numbers/Control Rooms created/set up by the Government of India. We request the learned Solicitor General to provide a copy of the same to the learned counsel for the petitioners by E-mail.

With the above-mentioned observations, the writ petitions stand disposed of”

6. That it is submitted that in compliance to the order of this Hon'ble Court dated 15.04.2020 in Writ Petition (C) Diary No.

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7. It is pertinent to mention that till filing of the present Application hundreds of health care workers including doctors, nurses from different states are tested positive for Covid-19. So far as Delhi is concerned more than 1000 health care workers working in different hospitals and clinics have tested positive for Covid-19 and more than 5 health care workers have lost their lives due to COVID 19. A large number of health care workers including nurses, doctors, and other staffers are infected in various states like Delhi, Maharashtra, Gujrat, Tamil Nadu etc. Many Govt. as well as private hospitals are shut down after health care workers tested positive for Covid-19.

8. That the health and safety (physical / mental) of health care workers are of utmost importance because further shortage of health care workers would result in thousands of unattended COVID-19 patients, which will have serious repercussions including escalation of the present situation and resultant impact on the economy, medical facilities, potential deaths and loss of human resource. During this tiring and difficult times the most pressing issues faced by the health care workers including the nurses and para-medical staffs in the country are the following:

- (i) Non-availability of sufficient personal protective equipment(PPE) in numerous hospitals;
- (ii) Non-availability of sufficient number of COVID-19 testing kits;
- (iii) Sub-standard Personal Protection Equipment's (PPE);
- (iv) Lack of training on infection prevention and control (IPC)
- (v) Lack of basic facilities in isolation wards; Isolation precautions are not being followed by WHO norms;
- (vi) Hourly disinfection is not being done in the wards;
- (vii) Mental harassment in the nature of forced over-time followed by negligible transport facilities and deduction of salary on account of leaves;
- (viii) Health care workers who are pregnant, lactating or immune compromised are being forced to work;
- (ix) Lack of accommodation, food, transportation etc.

- (x) Lack of free medical support for the health care workers and their families.
- (xi) Non-payment of salaries by the private hospitals.
- (xii) Continuous breach of Government guidelines by private hospitals;

Current evidence suggests that the virus that causes COVID-19 is transmitted between people through close contact and droplets. People most at risk of acquiring the disease are those who are in contact with or care for patients with COVID-19. This inevitably places health care workers at high risk of infection.

9. That by way of the present Application, the Applicant seeks to intervene and apprise this Hon'ble Court of certain pertinent measures that may be considered by the Respondents in order to alleviate the plight of the health care workers. It is therefore, the Applicant herein humbly praying for the following reliefs:
- (a) To ensure that Covid-19 protection kits are made available to every single health care professional working in the COVID 19 wards, or who work in close proximity of patients suspected to be infected with the virus;
 - (b) To ensure that adequate and standard nutritious meals are provided to the healthcare workers;
 - (c) To ensure that all nurses and other health care staff in

Corona wards are provided with proper accommodation in close proximity to the hospitals / health care centres where they are discharging medical duties and functions;

- (d) To ensure that adequate and prompt transport provided to all health care workers deputed in Corona wards;
- (e) To ensure proper screening of suspected patients before entering the hospitals and other medical facilities and also to ensure speedy testing of suspected cases.
- (f) To ensure that all health care workers are trained on infection prevention and control (IPC), proper use and disposal of Personal Protection Equipment (PPE) etc.;
- (g) To ensure that the infrastructure of hospitals and health care centers are temporarily expanded so as to provide separate and hygienic washrooms for staff;
- (h) To expand the scope of personal accident cover provided under the 'Pradhan Mantri Garib Kalyan Package Health Workers Fighting COVID-19' to include all health care workers across sectors, including those recruited on ad-hoc basis.
- (i) To provide free testing facility and treatment for the health care workers in case of infection of Covid-19 while they are on duty. Families of the health care workers should be taken proper care while they are in quarantine or isolation.
- (j) To ensure the full and timely payment of salaries to the

health care workers in the private hospitals.

- (k) To ensure that Private Hospitals are not charging or deducting salaries from the healthcare workers if they get infected Covid-19 while they are on duty.
- 10. The Applicant has no personal interest, or private/oblique motives in filing the instant application but only seeks to intervene before this Hon'ble Court, in public interest, and in order to assist this Hon'ble Court.
- 11. That the Applicant is not involved in any litigation before any other forum/court/authority, which has a nexus with the instant Application.
- 12. The present application has been moved bona fide and in the interest of justice. In the factual circumstances, the balance of convenience strongly tilts in favour of the Applicant.

PRAYER

Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Direct the Respondents to ensure that Covid-19 protection kits are made available to every single health care professional working in the COVID 19 wards, or who work in close proximity of patients suspected to be infected with the virus; and
- (b) Direct the Respondents to ensure sufficient and standard personal protective equipment(PPE) in COVID 19 hospitals;

and

(c) Direct the Respondents to ensure that adequate and standard nutritious meals are provided to the healthcare workers; and

(d) Direct the Respondents to ensure that all nurses and other health care staff in Corona wards are provided with proper accommodation in close proximity to the hospitals / health care centres where they are discharging medical duties and functions; and

(e) Direct the Respondents to ensure that adequate and prompt transport provided to all health care workers deputed in Corona wards; and

(f) Direct the Respondents to ensure proper screening of suspected patients before entering the hospitals and other medical facilities and also to ensure speedy testing of suspected cases; and

(g) Direct the Respondents to ensure that all health care workers are trained on infection prevention and control (IPC), proper use and disposal of Personal Protection Equipment (PPE) etc.; and

(h) Direct the Respondents to ensure that the infrastructure of hospitals and health care centers are temporarily expanded so as to provide separate and hygienic washrooms for staff;

and

- (i) Direct the Respondents to expand the scope of personal accident cover provided under the 'Pradhan Mantri Garib Kalyan Package Health Workers Fighting COVID-19' to include all health care workers across sectors, including those recruited on ad-hoc basis; and
- (j) Direct the Respondents to provide free testing facility and treatment for the health care workers in case of infection of Covid-19 while they are on duty. Families of the health care workers should be taken proper care while they are in quarantine or isolation; and
- (k) Direct the Respondents to ensure the full and timely payment of salaries to the health care workers in the private hospitals; and
- (l) Direct the Respondents to ensure that Private Hospitals are not charging or deducting salaries from the healthcare workers if they get infected Covid-19 while they are on duty; and
- (m) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

**DRAWN BY:
SUBHASH CHANDRAN K.R.
ADVOCATE**

Filed by:

**(BIJU P. RAMAN)
ADVOCATE FOR THE PETITIONER**

Drawn on: 13.06.2020
Place: New Delhi
Dated: 14.06.2020

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A NO. ____ OF 2020
IN
SUO MOTU WRIT PETITION (CIVIL) NO. 7 OF 2020

IN THE MATTER OF:

IN RE: THE PROPER TREATMENT OF COVID 19 PATIENTS AND
DIGNIFIED HANDLING OF DEAD BODIES IN THE HOSPITALS ETC.

PETITIONER (S)

AND IN THE MATTER OF:

UNITED NURSES ASSOCIATION
THROUGH ITS DELHI STATE GENERAL SECRETARY
MR. JOLDIN FRANCIS,
OFFICE AT HOUSE NO. 194-195,
FIRST FLOOR, POCKET 5,
SECTOR 25, ROHINI, DELHI 110085.

APPLICANT

APPLICATION SEEKING EXEMPTION FROM FILING NOTARIZED

AFFIDAVIT AND LISTING DUE TO EXTREME URGENCY

TO

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

THE HUMBLE PETITION OF
THE PETITIONER ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. The present application is being filed by the Applicant seeking exemption from filing notarized affidavit and urgent listing of the Application seeking leave of this Hon'ble Court to intervene in the captioned Suo Motu Proceedings before this Hon'ble Court.
2. The contents of the Application for intervention may be read

as a part and parcel of the present application and the same are not reproduced expressly for the sake of brevity.

3. The Applicant further craves the leave of this Hon'ble Court to refer to and rely on the same and the contents of the same are not being reiterated herein for the sake of brevity and to avoid prolixity.
4. That by way of the present Applications, the Applicant seeks certain directions from this Hon'ble Court to the Government of India and State Governments in order to alleviate the plight of the health care workers.
5. In such circumstances, it is critical that the present application be heard at the earliest in order to address the grievances and miseries of the front-line Covid 19 warriors.
6. The present application has been moved bona fide and in the interest of justice. In the factual circumstances, the balance of convenience strongly tilts in favour of the Applicant.
7. That it is prayed that in the prevailing circumstances, exemption from filing duly affirmed affidavit be granted for the time being.
8. That it is undertaken that deficit court fees, if any, will be paid subsequently once prevailing circumstances are clear.
9. That consent is given for the matter to be taken up through videoconferencing mode. The Advocate-on-Record & the arguing counsels will connect through their own desktop/mobile for the Video-Conference hearing.

PRAYER

Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- (i) Grant urgent listing of the accompanying Application for Intervention along with Suo Motu Writ Petition (Civil) no. 7 of 2020 titled *In Re: The Proper Treatment Of Covid 19 Patients And Dignified Handling Of Dead Bodies In The Hospitals Etc.; and*
- (ii) Grant exemption from filing duly affirmed affidavit in the prevailing circumstances; and
- (iii) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER SHALL AS IN DUTY BOUND EVER PRAY.

**DRAWN BY:
SUBHASH CHANDRAN K.R.
ADVOCATE**

Filed by:

**(BIJU P. RAMAN)
ADVOCATE FOR THE PETITIONER**

Drawn on: 13.06.2020

Place: New Delhi
Dated: 14.06.2020