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(2020) 03 SIK CK 0015

In the Sikkim High Court

Case No : Writ Petition (PIL) No. 03 Of 2020

Prashant Sharma — APPELLANT

Vs

State Of Sikkim And Others — RESPONDENT

Date of Decision : 30-03-2020

Acts Referred:
Indian Penal Code, 1860 — Section 270

Citation : (2020) 03 SIK CK 0015

Hon'ble Judges : Arup Kumar Goswami, CJ;Bhaskar Raj Pradhan, J

Bench : Division Bench

Advocate : Mingma Lhamu Sherpa, Hissey Gyaltsen

Final Decision : Disposed Of

Judgement

Arup Kumar Goswami, CJ

Heard Ms. Mingma Lhamu Sherpa, learned counsel for the petitioner. Also heard Mr. Hissey Gyaltsen, learned Assistant Government Advocate for the respondents.

This petition was filed as a Public Interest Litigation on 25.03.2020 with defects. Defects were removed on 28.03.2020 and thereafter, the matter is being taken up for consideration today.

It is to be noted that in view of spread of COVID-19, the Hon'ble Prime Minister of our country had imposed National Lockdown with effect from 25.03.2020. However, the Central Government is not made a party in this proceeding and nothing has been said about such lockdown. In paragraph 10, an averment is made that respondents had passed a number of orders restricting regular human activity. None of the orders are placed on record. A host of issues like Public Distribution System, Mid-Day Meal, Supplementary Nutrition of Anganwadis, etc. are raised. No instance is given indicating any failure on the part of the State Government to address the issues. General averments have been made that there will be difficulty. When the whole country is asked to maintain physical or social distancing, the petitioner says that the concept of social distancing makes

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it difficult for the people who are undergoing tuberculosis treatment etc. to access their drugs. There is no averment that they have been denied access to drugs.

It is not understood why the petitioner has brought on record an order dated 22.03.2020. The relevant averments read as follows:

"That the state of Sikkim being one of the small geographically area and least populated State is being danger to the life of people who have been suspected of Covid due to travel history as their names are being flashed out and shared virally in Social Media resulting into lashing out in media and physically. FIR against Mr. Diwas Gurung is ANNEXURE:P-3."

By the order dated 22.03.2020, action was initiated under Section 270 of IPC on the ground that the gentleman in question had breached the safety protocol having returned from a tour of Europe by attending a function, thereby, by his irresponsible act had exposed a number of people to the infection of COVID-19.

Mr. Gyaltsen, learned Assistant Government Advocate submits that a number of notifications had been issued to safeguard the interest of the people of the State and the State Government is acting in tandem with the Central Government to redress many of the issues that have arisen and are likely to arise in the wake of National lockdown imposed to combat the spread of COVID-19. He submits that the State Government is alive to the situation and is taking all possible steps to mitigate the difficulties of the people. A State Task Force Committee is also set up in this regard.

Having heard the learned counsel for the parties and bearing in mind the materials on record, we are not inclined to entertain this petition in this present form. However, we reserve liberty to the petitioner or any other public spirited person to raise issues arising out of COVID-19 at the first instance before the State Task Force Committee. If the grievances, if any, are not redressed, certainly recourse can be taken to this Court.

Before parting with the records, we, however, observe that the State Government will take all necessary steps to tide over the unprecedented situation created by COVID-19.

The writ petition stands disposed of with the above observations

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