

IN THE SUPREME COURT OF INDIA
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EXTRA ORDINARY ORIGINAL JURISDICTION
WRIT PETITION (C) NO. _____ OF 2020 (P.I.L.)
(WITH PRAYER FOR INTERIM RELIEF)
PUBLIC INTEREST LITIGATION
(UNDER ARTICLE 32 OF THE CONSTITUTION OF INDIA)

IN THE MATTER OF:

POSITION OF PARTY

BETWEEN

In this Court

1. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] 1

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner No 2

AND

1. Union of India
Through Secretary
Ministry of Home Affairs
Jai Singh Marg,
Hanuman Road Area,
Connaught Place,
New Delhi, Delhi 110001
jscpg-mha@nic.in

Respondent No. 1

2. Ministry of Finance
Through Secretary
Rajpath Marg, E Block,
Central Secretariat,
New Delhi, Delhi 110011
appointment.fm@gov.in

Respondent No.2

3. Reserve Bank of India
Through Governor
Reserve Bank of India
Central Office Building
18th Floor,
Shahid Bhagat Singh Road
Mumbai-400 001, Maharashtra
Phone : 022-22661872
Fax 022-22661784
governor@ rbi.org.in

Respondent no. 3

PETITION UNDER ARTICLE 32 READ ALONG WITH ARTICLE
142 OF THE CONSTITUTION OF INDIA

TO

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

THE HUMBLE PETITION OF THE PETITIONER AS ABOVE
NAMED

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5. That the Petitioners are filing the instant Writ Petition inter alia on
the following amongst other grounds:

A. Because the Pandemic has raged beyond any virtue of
expectations and the aids supplemented by the
Respondents are insufficient and require and immediate
restructuring for curbing the inevitable financial and social
consequences and require immediate intervention by the
present courts to maintain well-being of all citizens.

- B. Because the Respondents have recited and declared policies, assistance and Financial Stimulus, which are not only biased to only one particular segment of the society but also are inconclusive and inefficient in curbing the menace which orphans all the other parts of the population in terms to government aids.
- C. Because the measures adopted by the Respondents are not at concrete in reserving trust of the general public at large and may sooner than eternity break the sanctity of administrative abidance.
- D. Because the Lockdown initiated by the Respondents is although the need of the hour as it may, the financial incapacity of the general middle-class public which ranges to over 70 percent of the tax-paying community, shall distort the idea of keeping the public indoors due to the lack of finances along with the shortage of food and shelter available with the orphaned section of the Society.
- E. Because the Respondents have remained ignorant of the situation which has in its eventuality led to the nation standstill in all respects and have made the general public lose faith which is also of pertinent importance to be

immediately restored for the pandemic to be curtailed effectively.

F. Because of the lack of medical gear and apathy amongst the front-line runners which includes the Police Authorities, administrative Offices have caused the general public at an extremely larger risk of either outrage due to the atrocities or spread of the pandemic through the officers on ground duty.

G. Because the Respondents have miserably failed to provide a relevant place of shelter and food assistance to the Poor, Migrant workers, BPL, lower middle class or the lower class, the Pandemic is at an extremely greater risk of spreading due to their non-abiding the strict narrative of the Hon'ble Prime Minister of the Country and the medical experts of staying inside their respective homes, since an overly large section of the society either lives on the street or have rental accommodations which are resided by numerous persons at one time in extremely inhumane conditions.

H. Because the Respondent's inexperience of calamity occurred upon the nation and lack of apathy towards voluminous valuable suggestions made by the medical and

social experts, the general public is moving at an exceptionally fast pace towards losing sanity and the method of curbing the Pandemic through self – quarantine.

I. Because the Respondents have failed miserably in initiating policies which may encourage the general public to abide by the strictures passed by the Respondents which shall not only lead to an outrage of the masses but shall also make the society surrender to the current Pandemic evil.

J. Because it is inexorably required for the Respondents to immediately arrange for temporary surplus shelter homes by converting all public gardens, Stadiums, Marriage Lawns and banquet halls as a temporary place of accommodation of citizens who need to remain in quarantine but are bound to stay outside for the lack of proper accommodation while also manage bulk hygienic kitchens for preparing free of cost food for all daily earners or any other less financially fortunate members of the society and ensuring no open decontamination of Human Waste, which may lead to spread of virus through insects or flies.

K. Because it is further unavoidably necessary for the Respondents to provide specific financial aids to the middle-class retailers, small shop owners, MSME owners, Corporates unable to function due to national lockdown, micro-mini manufacturers for the section of the society to regain trust in the Respondents and therefore not collapsing to an inevitable consequential financial emergency.

6. GROUNDS OF INTERIM RELIEF:

It is submitted that the petitioner has a brilliant prima facie case and is also most likely to succeed in this petition. If the ex-parte modification, clarification and stay of impugned Government vague Economic Stimulus are not granted to the petitioner, the petitioner will suffer irreparable loss. It is, therefore, necessary to grant an ex-parte modification, clarification and stay of impugned Government Gazette notification, till the pending and the Final Disposal of the Present Writ Petition.

7. MAIN PRAYER:

Under the circumstances, it is most respectfully prayed that this Hon'ble Court may be pleased to issue a writ of Mandamus or any

other appropriate writ, order or direction in nature thereof as follows:-

1. to direct the Respondents to make medical facilities, food and shelter available to all citizens, irrespective of their financial or regional status since it is not only the poor but the entire nation including middle-class taxpayer of the country; and,
2. To direct the Respondents to immediately arrange mobile vendors as already partially adopted in Chandigarh, for each residential area to provide basic and essential food and medical items home-delivered which shall ensure an efficient restrictive lockdown; and,
3. To further convert all available public gardens and stadiums as an accommodation for any citizen in need allowing free food and shelter; and,
4. To issue guidelines and strictures in the context that no person be terminated from their jobs irrespective of nature of their work profile (work from home) during the period of Lockdown; and,
5. to direct the Respondents to immediately as a mandate, transfer at least a sum of Rupees 10,000 to all the income tax assesses of the Country as a short-term loan which may be

recovered from the individual assessee in the next financial year; and,

6. Directing the Respondent to kindly mandate each officer, irrespective of their profile or rank deployed on duty at the battle raging front while allowing them mandatory access to Alcohol-Based Sanitizers, face masks and Single-use Disposable Hand-Gloves and be allowed humanely possible relaxing hours and rotational deployment during the Lockdown; and,

7. Directing the Respondent to kindly mandate all the personnel's deployed in ensuring the Essential Services, access to Alcohol-Based Sanitizers, face masks and Single-use Disposable Hand-Gloves and be allowed humanely possible relaxing hours and rotational deployment during the National Lockdown;

8. Specific directions to the Respondents to issue moratorium or blanket stay on all due EMI's (Every Month Instalments) payable by the citizens of the country in the form of consumer and business loans till the period this pandemic is not fully eradicated and Further to devise a mechanism to recover the due EMI's by the way of equal distribution on pro-rata basis over a period of 12 months post-pandemic; and,

9. Specifically directing the Respondents to completely waive off the interest payable by the Small enterprises, retailers, Individual Business owners, corporates (non-functioning) and MSME's, to banks in regards to the working capital limits, Credit Limit or Overdraft Facilities or any such short or long term loan facility availed by the consumer of a banking institution, also staying the payment of credit card bills for the current time up till the complete eradication of the pandemic; and,
10. to issue directives to blanket waive off all kinds of penalty on the filling of GST or Income Tax returns or Advance tax returns during the Lockdown time duration; and,
11. Respondents be directed to specifically issue recommendations minimizing the exchange of currency notes and to run awareness programs as the virus has been observed to remain prevalent on surfaces and currency notes for a time ranging from 03 hours to 09 Days hours; and,
12. Issue any other appropriate writ, order or direction as the nature and circumstances of the present case may require; and

13. Pass such other or further orders/directions, as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

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

DRAWN BY : Sumit Mehta and Vikrant Y S Narulla

DRAWN ON: 27.03.2020

FILED ON: 27.03.2020

PETITIONERS IN PERSON

Sumit Mehta and Vikrant Y S Narulla