

THE HIGH COURT OF MADHYA PRADESH
(DIVISION BENCH)

WRIT PETITION NO. 7596/2020 (PIL)

(Nagrik Upbhokta Margdarshak Manch v. State of M.P.)

Hearing through Video Conferencing

Shri Dinesh Upadhyay, learned counsel for the petitioner.

Shri A. Rajeshwar Rao, learned Govt. Advocate for the respondent/ State.

CORAM :

Hon'ble Shri Justice Sanjay Yadav, Judge.

Hon'ble Shri Justice Vishal Dhagat, Judge.

O R D E R

(Jabalpur, dated 28-05-2020)

Per : **SANJAY YADAV, J.-**

Petitioner by way of present petition seeks quashment of order dated 19.5.2020 issued by the Health Commissioner, Government of Madhya Pradesh. The order is in following terms:

संचानालय स्वास्थ्य संवाये
मध्यप्रदेश सतपुडा भवन, भोपाल

प्रति,

1. समस्त संभागीय आयुक्त, म.प्र.
2. समस्त जिला कलेक्टर मध्यप्रदेश
3. समस्त मुख्य चिकित्सा एवं स्वास्थ्य अधिकारी मध्यप्रदेश

विषयांतरगत इस कार्यालय को यह जानकारी प्राप्त हुई है कि कुछ जिलों के द्वारा कोविड-19 के टेस्ट परिणामों की जानकारी जिले की वैबसाइट/एन.आई.सी.प्लेटफार्म अथवा अन्य सार्वजनिक प्लेटफार्म पर सर्वसाधारण की सूचना के लिए उपलब्ध करवाई जा रही है। इसमें जिन लोगों के टैस्ट नेगेटिव आये हैं

उनके साथ—साथ जो पॉजिटिव होकर संकमित व्यक्ति होते हैं उनकी जानकारी भी सार्वजनिक प्लेटफार्म पर सर्वसाधारण की जानकारी के लिये प्रदर्शित की जा रही है। इस संबंध में स्पष्ट किया जाता है कि भारत सरकार तथा राज्य शासन द्वारा संकमित व्यक्तियों की जानकारी के संबंधमें गोपनीयता बनाये रखने के निर्देश पूर्व में भी दिये जा चुके हैं। किसी भी संकमित व्यक्ति की जानकारी प्लेटफार्म पर उपलब्ध करवाना गलत है।

2/ कृपया उपरोक्त के संबंध में सुनिश्चित करें कि इस प्रकार की कोई जानकारी सार्वजनिक प्लेटफार्म पर उपलब्ध न कराई जायें और यदि पूर्व में इस प्रकार की जानकारी उपलब्ध कराई गई हो तो ऐसे प्रकरण की जानकारी को सार्वजनिक प्लेटफार्म से तत्काल विलोपित कराया जाये।

सही
(फैज अहमद किदवई)

2. Evident it is from the order that it is based on the Advisory issued by the Central Government, which is reproduced as under:

“Addressing Social Stigma Associated with COVID-19

Public health emergencies during outbreak of communicable diseases may cause fear and anxiety leading to prejudices against people and communities, social isolation and stigma. Such behavior may culminate into increased hostility, chaos and unnecessary social disruptions.

Cases have been reported of people affected with COVID-19 as well as healthcare workers, sanitary workers and police, who are in the frontline for management of the outbreak, facing discrimination on account of heightened fear and misinformation about infection. Even those who have recovered from COVID-19 face such discrimination, further, certain communities and areas are being labeled purely based on false reports floating in social media and elsewhere.

There is an urgent need to counter such prejudices and to rise as a community that is empowered with health literacy and responds appropriately in the face of this adversity.

In this regard, all responsible citizens are advised to understand that:

- Although COVID-19 is a highly contagious disease which spreads fast and can infect any one of us, we can protect ourselves through social distancing, washing our hands regularly and following sneezing/coughing etiquettes.
- Despite all precautions, if anybody catches the infection, it is not their fault. In situation of distress, the patient and the family need support and cooperation. It must be noted that the condition is curable and most people recover from it.
- Healthcare workers including doctors, nurses, and allied & Healthcare professionals are rendering their services tirelessly to provide care and medical/clinical support in this situation of crisis. Sanitary workers and police are also doing selfless service and playing critical roles in addressing the challenge of COVID-19. They all deserve out support, praise and appreciation.
- All those directly involved in the management of COVID-19 are equipped with appropriate protective equipment to keep them safe from the infection.
- Targeting essential service providers and their families will weaken our fight against COVID-19 and can prove grievously detrimental for the entire nation.

As responsible citizens, we must observe following Do's and Don'ts:

Dos	Don'ts
<ul style="list-style-type: none"> • Appreciate efforts of people providing essential services 	<ul style="list-style-type: none"> • Never spread names or identity of those affected or under

<p>and be supportive towards them and their families</p> <ul style="list-style-type: none"> Share only the authentic information available on the website of Ministry of Health and Family Welfare, Govt. of India or the World Health Organisation. Cross check any information related to COVID-19 from reliable sources before forwarding any messages on social media Share positive stories of those who have recovered from COVID 19. 	<p>quarantine or their locality on the social media.</p> <ul style="list-style-type: none"> Avoid spreading fear and panic Do not target healthcare and sanitary workers or police. They are there to help you. Do not label any community or area for spread of COVID-19. Avoid addressing those under treatment as COVID victims. Address them as “people recovering from COVID”
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3. The Advisory as well as the Order issued by the Govt. of Madhya Pradesh are in **larger public interest to prevent any chaos in the society** and also to prevent the person whose test Covid 19 results positive from the public wrath.

4. We do not perceive any merit in the Public Interest Litigation filed by the petitioner. On the contrary the relief sought by the petitioner runs contrary to the public interest. Being not a public interest litigation, we are inclined to dismiss the writ petition with the cost of Rs.25,000/-. At this stage, learned counsel for the petitioner prays for withdrawal of petition. Since the petitioner is not inclined to pursue the writ petition, the prayer is allowed. Petition stands dismissed as withdrawn.

(SANJAY YADAV)
JUDGE

(VISHAL DHAGAT)
JUDGE